

Final Environmental Document

Phasing of Nonlead Ammunition Requirement

**Adding Section 250.1, Amending Sections 311, 353, 464, 465, 475, and 485, and
Repealing Section 355 of Title 14 of the California Code of Regulations**

March 30, 2015

State Clearinghouse No. 2014102083



**Prepared by the California Department of Fish and Wildlife for
the California Fish and Game Commission**

Chapter 1: Introduction

On behalf of the California Fish and Game Commission (Commission), the California Department of Fish and Wildlife (CDFW) prepared this Final Environmental Document (Final ED) pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14 §§ 15000 et seq.)¹ in compliance with the Commission's certified regulatory program (CRP) as approved by the Secretary for the California Natural Resources Agency. (Pub. Resources Code, § 21080.5; CEQA Guidelines, § 15251, subd. (b); Cal. Code Regs., tit. 14, § 781.5), to provide the public, responsible agencies, and trustee agencies with information about the proposed project's potential environmental effects.

a. The Proposed Program

Consistent with Fish and Game Code section 3004.5,² the proposed project consists of implementing the statutory mandate to require the use of nonlead projectiles and ammunition for the take of wildlife statewide no later than July 1, 2019 and, in whole or in part, earlier if practicable. Specifically, the Proposed Program includes addition of section 250.1 to Title 14, amendment of existing sections 311, 353, 464, 465, 475, and 485, as well as repeal of section 355 of Title 14 of the California Code of Regulations. These proposed changes to Title 14 constitute the Proposed Program for the purposes of CEQA, the Commission's CRP, and this Final ED.

The Proposed Program uses the following phase-in of nonlead ammunition, which phasing reflects the relative availability (by both type and volume) of nonlead rifle and shotgun ammunition:

Phase 1

Effective July 1, 2015, nonlead ammunition will be required when taking all wildlife on state Wildlife Areas and Ecological Reserves. These CDFW lands constitute approximately 1 million acres in California, with high ecological values, and some of these areas are popular with hunters. In addition, nonlead ammunition will be required for hunters taking Nelson bighorn sheep in California's desert areas. This requirement will affect a small number of hunters; in 2014 only 14 tags were issued for bighorn sheep statewide. A similar number is anticipated for the 2015 season.

Phase 2

Effective July 1, 2016, nonlead ammunition will be required when taking upland game birds with a shotgun, except for dove, quail, and snipe, and any game birds taken under the authority of a licensed game bird club as provided in sections 600 and 600.4, Title 14, California Code of Regulations. In addition, nonlead ammunition will be required for the take of resident small game mammals, furbearing mammals, nongame mammals, nongame birds, and any wildlife for

¹ The Guidelines for the implementation of CEQA are found in the California Code of Regulations, title 14, section 15000 et seq., and will hereinafter be referred to as "CEQA Guidelines."

² All unspecified "section" references refer to the Fish and Game Code.

depredation purposes, with a shotgun statewide. However, in light of the uncertainty regarding the retail availability of nonlead centerfire and rimfire ammunition in smaller calibers, it will still be legal to take small game, furbearing, and nongame mammals, as well as nongame birds and wildlife for depredation purposes with traditional lead rimfire and centerfire ammunition during phase 2.

Phase 3

Pursuant to Fish and Game Code section 3004.5, effective July 1, 2019, only nonlead ammunition may be used when taking any wildlife with a firearm for any purpose in California.

b. Format and Organization of the Final ED

This Final ED contains the following components:

Chapter 1, Introduction. This chapter presents the format and organization of the Final ED, summarizes the public review period for the Draft Environmental Document (Draft ED), and describes the Final ED process in more detail.

Chapter 2, Summary of Comments Received and Responses to Comment. CEQA and the CRP require lead agencies to prepare written responses to all significant environmental points raised in the public review and consultation process. Chapter 2 provides an overview of the comments on the Draft ED. This chapter also provides responses to each of the comments received.

Chapter 3, The Final ED. Chapter 3 addresses whether there is a need for any text changes to the Draft ED to clarify information in response to the public review and consultation process.

c. Public Review of the Draft ED

Public disclosure and informed decision making are priorities under CEQA. The CDFW's related effort on behalf of the Commission during scoping has been described in the Draft ED and is not repeated here. With respect to the public review period for the Draft ED, on the Commission's behalf, CDFW circulated a Notice of Completion (NOC), which began a 47-day public review period on the Proposed Program and Draft ED beginning January 7, 2015 and ending on February 23, 2015. The NOC was distributed to the public, including any interested local, state, and federal agencies, and other interested parties, through direct mailing, e-mailing, posting at county clerks' offices, publication in a newspaper of general circulation (the Sacramento Bee) on January 24, 2015, and, along with the Draft ED, posting on the Commission's website (http://www.fgc.ca.gov/regulations/2015/index.aspx#250_1) as well as CDFW's website (<http://www.wildlife.ca.gov/Notices>). The NOC and Draft ED were also made available for public review at CDFW's Wildlife Branch and the Fish and Game Commission office.

d. Comments on the Draft ED

CEQA and the Commission's CRP require preparation of written responses to all significant environmental points raised in the public review and consultation process. Consistent with the

requirements, this Final ED includes a list of all individuals, organizations, and agencies that provided comments (as described further below); copies and a summary of those comments; and the Department's written responses on behalf of the Commission.

Importantly, on the Commission's behalf, CDFW received a broad spectrum of comments regarding the Proposed Program and Draft ED during the CEQA public review period. Some of those comments concern environmental issues that fall within the purview of CEQA. Many others did not. For example, CDFW received various comments objecting to or in support of, or making specific recommendations related to Assembly Bill 711 or the Proposed Program. Many of these comments relate solely to the merits of requiring nonlead ammunition, a decision that is outside the scope of the Commission's rulemaking or CEQA compliance, without mention of any environmental issue subject to CEQA or the Commission's CRP.

Although not legally required to do so, the Department, on the Commission's behalf, provided a 47-day public review period. A number of comments that might have been directed at the Draft ED were received the day after the public commenter period closed. Although not legally required by CEQA to do so, this Final ED addresses those comments. In addition, this Final ED responds to comments received by the Commission in its APA process, where those comments may reasonably be seen to pertain to the Proposed Program's environmental impacts. In short, the Department, on the Commission's behalf, reviewed and considered all comments received including but not limited to those explicitly directed at the Draft ED or the Proposed Project's environmental impacts.

This Final ED includes individual responses to persons who submitted comments: (1) specifically directed to the Draft ED; (2) regarding the Proposed Program's environmental impacts; or (3) raising significant environmental points related to the Proposed Program. The names of persons providing such comments are:

1. Dr. Eric Liners (1) (1/7/15)
2. Alan Block (1/7/15)
3. Dr. Eric Liners (2) (1/8/15)
4. Joe Mello (1/8/15)
5. Pete Garrett (1/8/15)
6. David Ochoa (1/8/15)
7. Jim Bauer (1/8/15)
8. Lee Kuhn (1/8/15)
9. PEACE (Randall Cleveland) (1/27/15)
10. Lawrence G. Keane, Sr. Vice President & Gen. Counsel, National Shooting Sports Foundation, Inc. (1/28/15)
11. APECS Society (Rick Bulloch) (1/19/15)
12. Jerry Bell (2/4/15)
13. Dennis Fox (2/6/15)
14. Ventana Wildlife Society (Ellen M. Richmond) (2/13/15)

15. Larry French (2/18/15)
16. Inga Dorosz (2/18/15)
17. Diane Rooney (2/18/15)
18. Jesse Ross (2/19/15)
19. Dana Abbott (2/19/15)
20. Lee Rudin (2/19/15)
21. Jessica Davis-Stein (2/20/15)
22. Friends of the Northern San Jacinto Valley (Susan Nash) (2/20/15)
23. Friends of the Northern San Jacinto Valley (Tom Paulek) (2/20/15)
24. Andrew Williams (2/21/15)
25. Lawrence Thompson (2/22/15)
26. National Rifle Association and the California Rifle & Pistol Association (C.D. Michel & Associates, P.C) (2/23/15)
27. Anthony Fuehrer (2/24/15)
28. David Hawley (2/24/15)
29. Tom Burns (2/24/15)
30. Pat Dillon (2/24/15)
31. Cary Gatchet (2/24/15)
32. James Gibbons (2/24/15)
33. Stephen Lee (2/24/15)
34. Michael Merkley (2/24/15)
35. Mike Yancheff (2/24/15)
36. Clayton J. Guest (2/24/15)
37. Mark Cave (2/24/15)
38. Mike Jackson (2/24/15)
39. Drew Pruhs (2/24/15)
40. Steve Jones (2/24/15)
41. G-man (2/24/15)
42. Reed Kayano (2/24/15)
43. Jackson Lytal (2/24/15)
44. Joel Mosher (2/24/15)
45. Bill Winegar (2/24/15)
46. Ben Crum (2/24/15)
47. Amber Capoor (2/24/15)
48. Gail Kreider (2/24/25)
49. Greg Pasiuk (2/25/15)
50. Andy White (2/25/15)
51. flott@juno.com (2/25/15)

52. Trevor W. Santos, Mngr. Gov. Relations- State Affairs, National Shooting Sports Foundation (3/25/15)
53. Jeremy Wright (undated)

The following list includes names of persons who provided comments prior to this document's finalization and who did not address: (1) the Draft ED; (2) the Proposed Program's environmental impacts; or (3) raise significant environmental points related to the Proposed Program. For example, several of these commenters requested that the Commission support legislation that would provide alternatives to Assembly Bill 711 without reference to the Proposed Program's environmental impacts. Although no further response is required pursuant to CEQA or the Commission's CRP, it is notable that the concerns expressed by these commenters were also raised by some of the commenters who additionally raised issues related to the Proposed Program's environmental impacts. As a result, the written responses in Chapter 2 of this Final ED address comments substantially similar to those of the following commenters.

1. Ray Boyd (1/16/15)
2. Kris Frazier (1/16/15)
3. Michael Cantor, Owner, Dynasty Ammo (1/24/15)
4. Randy Walker, President, CA Sportsmen's Lobby (1/26/15)
5. Keith Ringgenberg, President, Outdoor Sportsmen's Coalition (1/26/15)
6. Dennis Anderson, CA Leg. Coordinator, Safari Club International (1/26/15)
7. Robert R. Templeton, President, Crossroads of the West (1/27/15)
8. Lawrence G. Keane, Sr. Vice President & Gen. Counsel, National Shooting Sports Foundation, Inc. (2) (1/28/15)
9. Erica Stanojevic (2/9/15)
10. J.R. Young (2/18/15)
11. James Marguet (2/18/15)
12. Rich Carpenter (2/20/15)
13. Dennis Davenport (2/25/15)
14. Lynn Jeffries (3/3/15)
15. Margo Salone (3/21/15)
16. Lisa McNamee and Don Giottonini, Co-Legislative Coordinators, Safari Club International- CA Chapters (3/26/15)
17. Keith Ringgenberg, President, Outdoor Sportsmen's Coalition (3/26/15)

Based on all the comments received, the Final ED's responses to comments demonstrate the Draft ED included good faith and reasoned analyses, and serves the disclosure purpose that is central to the CEQA process. Importantly, the comments received underscore the differences of opinion regarding the merits of Assembly Bill 711, the likely availability of nonlead ammunition, and the effect on the environment of requiring nonlead ammunition. As set forth in this Final ED's responses to comments, the merits of Assembly Bill 711 itself are outside the scope of both the Commission's current process as well as CEQA review. And, although commenters provided conflicting opinions regarding the likely availability of nonlead

ammunition and the environmental impacts of phasing-in the nonlead ammunition requirement, no commenters provided substantial evidence necessitating a change to the Draft ED's conclusions that the Proposed Program's environmental impacts will be less than significant. After reviewing all comments received and the responses to comments raising significant environmental points, no further modification to the Draft ED or the Proposed Program is necessary.

e. Preparation of the Final ED

As stated above, CEQA and the Commission's CRP require lead agencies to prepare written responses to significant environmental points received during the public comment period. The Final ED, along with the Draft ED, constitutes the entire Environmental Document for purposes of the Commission's compliance with CEQA and the CRP. (See generally CEQA Guidelines, § 15132; Cal. Code Regs., tit. 14, § 781.5.)

Chapter 2: Comments Received and Responses to Comments

a. Introduction

As previously described, the Department, on behalf of the Commission, reviewed and considered all comments received, including but not limited to those explicitly directed at the Draft ED or the Proposed Project's environmental impacts.

This Final ED includes individual responses to comments: (1) specifically directed to the Draft ED; (2) regarding the Proposed Program's environmental impacts; or (3) raising significant environmental points. For each such comment, this chapter includes a summary of the comment and an individual response. Appendix A to this Final ED includes full copies of each comment responded to herein.

b. Responses to Public Comments

1. Dr. Eric Liners (1/7/2015)

Comment: Banning lead-tipped ammunition has no detectable effect on the environment and biosphere.

Response: Chapter 3 of the Draft ED (Environmental Impacts) includes substantial evidence that requiring nonlead ammunition will result in less than significant environmental impacts, including beneficial impacts to wildlife. The Proposed Program will not result in significant environmental impacts pursuant to CEQA.

2. Alan Block (1/7/2015)

Comment: If the Draft ED indicates there will be no significant impact why is the transition to nonlead ammunition being implemented.

Response: Chapter 3 of the Environmental Document (Environmental Impacts) includes substantial evidence that requiring nonlead ammunition will result in less than significant environmental impacts, including beneficial impacts to wildlife. The Proposed Program will not result in significant environmental impacts pursuant to CEQA.

The transition is being implemented because, as enacted, section 3004.5 requires the use of nonlead ammunitions statewide no later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the phasing that is a subject of the Proposed Program, section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase-in the statute's requirements, and that, if any of the statute's requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall do so. (Fish & G. Code, section 3004.5, subd. (i).)

Comment: There is not a viable alternative to lead ammunition for muzzleloading arms.

Response: Although CEQA does not require analysis of socioeconomic impacts, Chapter 3, section g (Recreation) of the Draft ED analyzes the environmental impact of the proposed regulation that may occur due to increased ammunition prices and/or limited availability of certified ammunition. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

3. Dr. Eric Liners (1/8/2015)

Comment: Banning lead-tipped ammunition has no detectable effect on the environment and biosphere.

Response: Chapter 3 (Environmental Impacts) of the Draft ED includes substantial evidence that requiring nonlead ammunition will result in less than significant environmental impacts, including beneficial impacts to wildlife. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

Comment: Opposed to implementation of Assembly Bill 711.

Response: This environmental analysis was prepared pursuant to CEQA to disclose and analyze potential environmental impacts associated with the proposed regulations and is not intended or required to address the merits of Assembly Bill 711 implementation.

4. Joe Mello (1/8/2015)

Comment: The commenter asks for consideration of the economic impacts on hunters.

Response: Although CEQA's definition of environmental impacts excludes socioeconomic impacts, Chapter 3, section g (Recreation) analyzes the environmental impact of the proposed regulation that may occur due to increased ammunition prices and/or limited availability of certified ammunition. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

Comment: Increased ammunition costs and decreased availability will decrease hunting activity in the state, which, in turn, will reduce income for CDFW.

Response: Chapter 3, includes analyses (REC-1 and BIO-3) of potential reductions in habitat due to reduced revenue from hunting. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

5. Pete Garrett (1/8/2015)

- a. Comment: The commenter expresses concern regarding the availability of ammunition for muzzle-loading firearms.

Response: Although CEQA's definition of environmental impacts excludes socioeconomic impacts, Chapter 3 (BIO-1 and REC-1) analyzes the environmental impact of the proposed regulation that may occur due to increased ammunition prices and/or limited availability of certified ammunition. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

- b. Comment: The Draft ED states that there will be no significant impact. Why, if there will be no significant environmental impact, is the transition to nonlead ammunition being implemented.

Response: Chapter 3 of the Environmental Document (Environmental Impacts) includes substantial evidence that requiring nonlead ammunition will result in less than significant environmental impacts, including beneficial impacts to wildlife. The Proposed Program will not result in significant environmental impacts pursuant to CEQA. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

The transition is being implemented because, as enacted, section 3004.5 requires the use of nonlead ammunitions statewide no later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the phasing that is a subject of the Proposed Program, section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase-in the statute's requirements, and that, if any of the statute's requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall do so. (Fish & G. Code, section 3004.5, subd. (i).)

6. David Ochoa (1/8/2015)

Comment: States that "The California People are being screwed by over regulation While we give cart blanch to Illegals."

Response: This environmental analysis was prepared to disclose and analyze potential environmental impacts associated with the nonlead phase-in regulation. The commenter provides no comments related to the Proposed Program's environmental impacts and no further response is warranted.

7. Jim Bauer (1/12/2015)

Comment: Recommends keeping it simple and states that licensed game clubs and outfitters should be leading the charge instead of dragging their feet at the expense of public land hunters.

Response: This environmental analysis was prepared to disclose and analyze potential environmental impacts associated with the nonlead phase-in regulation. The commenter provides no comments related to the Proposed Program's environmental impacts and no further response is warranted.

8. Lee Kuhn (1/16/2015)

- a. Comment: The Department has not undertaken adequate outreach.

Response: In addition to the public review opportunity provided by the Draft ED's circulation for public comment, pages 1:2 to 1:3 of the Draft ED describe the outreach conducted on behalf of the Commission for the Proposed Program. Also, Appendix C of the Draft ED includes the Scoping Report prepared by the Department on behalf of the Commission. The Scoping Report describes the outreach completed by the Department on the Commission's behalf and summarizes all comments received during the CEQA scoping period. Appendix F of the Environmental Document includes the written documents received during the CEQA scoping period.

- b. Comment: There is insufficient science.

Response: Chapter 3 of the Draft ED sets forth substantial evidence supporting its analysis of environmental impacts. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

- c. Comment: The commenter states concerns about the cost of nonlead ammunition

Response: Although CEQA's definition of environmental impacts excludes socioeconomic impacts, Chapter 3 (BIO-3 and REC-1) analyzes the environmental impact of the proposed regulation that may occur due to increased ammunition prices and/or limited availability of certified ammunition. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

9. Randall Cleveland, PEACE CA

Comment: Urges implementation of Assembly Bill 711 as quickly as possible; expresses concern about human health risks from consumption of game contaminated with lead.

Response: As compared to existing conditions, the Proposed Program will reduce lead in the environment, including in game consumed by humans. Chapter 5, section C (Early Implementation Alternative) of the Draft ED provides analysis of an accelerated implementation program. The proposed phase-in regulation was developed based on intensive public scoping and information provided by a range of stakeholders, including but not limited to the ammunition manufacturing industry and their authorized representatives. That process informed the conclusion that nonlead ammunition may continue to be scarce even beyond the proposed full implementation date of July 1, 2019. On that basis this

alternative was rejected from further consideration, and no new information has been presented to date to indicate nonlead ammunition availability will be increased in the foreseeable future. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

10. Lawrence G. Keane, Sr. Vice President & Gen. Counsel, National Shooting Sports Foundation, Inc.

Comment: Addressed to the Commission regarding "Agenda Item 27 for the February 11-12, 2015 Fish and Game Commission Meeting, AB 711 Implementation," expresses various concerns related to Assembly Bill 711 and/or the Proposed Program without reference to environmental impacts or the Draft ED. These concerns include, for example, whether the Commission has the expertise to certify all lead free alternatives and the process for doing so, reduction in hunting activity, negative economic impacts for the state, the merits of and need for Assembly Bill 711, and skepticism as to whether there is a need to reduce lead ammunition to, in turn, reduce human health risks.

Response: CEQA's definition of environmental impacts does not include socioeconomic effects, unless they contribute to a physical impact. In addition, the merits of Assembly Bill 711 are outside the scope of this environmental review or the commission's rulemaking. The Proposed Program consists of implementing the statutory mandate to require the use of nonlead projectiles and ammunition for the take of wildlife statewide, and to implement that requirement no later than July 1, 2019 or earlier if practicable. Consistent with CEQA this Draft ED compares the Proposed Program's impacts to the existing environment for purposes of determining the impacts' significance. As compared to the existing environment, the Proposed Program will reduce the use of lead ammunition. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

Comment: Hunters and sportsmen represent the largest financial supports of wildlife conservation and, since 1991, firearms and ammunition manufacturers have contributed over \$3 billion dollars to wildlife conservation through excise tax payments.

Response: Chapter 3 of the Draft ED, and specifically the discussion of BIO-3 addresses the concern that the Proposed Program might reduce hunting activity and revenue from hunting activity, which in turn might affect CDFW management activities. Commenter does not specifically address the analysis set forth in BIO-3, and provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

11. Rick Bulloch, APECS Society

Comment: Despite concerns regarding the passage of Assembly Bill 711, appreciates CDFW's thoughtful implementation.

Response: The proposed phase-in regulation was developed based on intensive public scoping and information provided by a range of stakeholders, including but not limited to the ammunition manufacturing industry and their authorized representatives. That process informed the conclusion that nonlead ammunition may continue to be scarce and, in some cases, cost prohibitive for the average hunter even beyond the proposed full implementation date of July 1, 2019.

12. Jerry Bell (2/4/2015)

Comment: Opposed to implementation of phase-in regulation.

Response: This environmental analysis was prepared to disclose and analyze potential environmental impacts associated with the nonlead phase-in regulation. The commenter provides no comments related to the Proposed Program's environmental impacts and no further response is warranted.

13. Dennis Fox (2/6/2015)

Comment: Recommends environmental analysis include 1) impacts on water quality due to increased copper deposition from hunting activities and 2) impacts to wildlands due to increased potential for fire resulting from the use of nonlead ammunition.

Response:

Chapter 3, section f (HYD (WATER QUALITY)-1) of the Draft ED provides an analysis of the best available information regarding the potential to negatively impact water quality through the use of copper hunting ammunition. Current information indicates this impact will be less than significant.

Chapter 3, section e (Biological Resources BIO-4: Impacts from wounding) of the Draft ED provides an analysis of the best available information regarding the potential for increased wounding rates resulting from the use of nonlead ammunition. Current research and information indicates this impact will be less than significant. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

14. Ventana Wildlife Society (Ellen M. Richmond) (2/13/2015)³

Comment: Consider phasing in nonlead ammunition statewide before 2019; full statewide phase-in by 2017 is feasible and would have acceptable impacts on recreation. Commenter states that, since 2012, Ventana Wildlife Society staff has purchased thousands of boxes of nonlead ammunition of a variety of types and calibers and have this ammunition available to hunters and ranchers free of charge. In the course of the 2012 free ammunition program, participants were able to select from 94 different products, including 22 caliber ammunition. VWS continued to offer free nonlead ammunition in both big-game and smaller calibers in 2013 and 2014. Commenters states that past experience with lead ammunition regulation in California shows that manufacturers will swiftly develop alternatives, and that regulation in other industries shows that industry is quick to adapt to the phase out of toxic product. Commenter also states that accelerating the implementation of Assembly Bill 711 would alleviate serious harms to wildlife and would lessen the significant public burdens associated with management of wildlife harmed by lead.

Response: Chapter 5, section C (Early Implementation Alternative) of the Draft ED provides analysis of an accelerated implementation program. The proposed phase-in regulation was developed based on intensive public scoping and information provided by a range of stakeholders, including but not limited to the ammunition manufacturing industry and their authorized representatives. That process informed the conclusion that nonlead ammunition may continue to be scarce even beyond the proposed full implementation date of July 1, 2019. On that basis this alternative was rejected from further consideration, and no new information has been presented to date to indicate nonlead ammunition availability will be increased in the foreseeable future. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

15. Larry French, MEIS, LC, FIALD, Principal, Auerbach Glasow French

Comment: Urges implementation of Assembly Bill 711 by 2017 to benefit wildlife.

Response: As compared to existing conditions, the Proposed Program will reduce lead in the environment. Chapter 5, section C (Early Implementation Alternative) of the Draft ED provides analysis of an accelerated implementation program. The proposed phase-in regulation was developed based on intensive public scoping and information provided by a range of stakeholders, including but not limited to the ammunition manufacturing industry and their authorized representatives. That process informed the conclusion that nonlead ammunition may continue to be scarce even beyond the proposed full implementation date of July 1, 2019. On that basis this alternative was rejected from further consideration, and no new information has been presented to date to indicate nonlead ammunition availability

³ CDFW also received an otherwise identical comment letter dated February 17, 2015.

will be increased in the foreseeable future. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

16. Inga Dorosz

Comment: Expresses concern about the California condor and urges implementation of Assembly Bill 711 by 2017.

Response: As compared to existing conditions, the Proposed Program will reduce lead in the environment. Chapter 5, section C (Early Implementation Alternative) of the Draft ED provides analysis of an accelerated implementation program. The proposed phase-in regulation was developed based on intensive public scoping and information provided by a range of stakeholders, including but not limited to the ammunition manufacturing industry and their authorized representatives. That process informed the conclusion that nonlead ammunition may continue to be scarce even beyond the proposed full implementation date of July 1, 2019. On that basis this alternative was rejected from further consideration, and no new information has been presented to date to indicate nonlead ammunition availability will be increased in the foreseeable future. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

17. Diane B. Rooney

Comment: Expresses concern about the California condor and urges implementation of Assembly Bill 711 by 2017.

Response: As compared to existing conditions, the Proposed Program will reduce lead in the environment. Chapter 5, section C (Early Implementation Alternative) of the Draft ED provides analysis of an accelerated implementation program. The proposed phase-in regulation was developed based on intensive public scoping and information provided by a range of stakeholders, including but not limited to the ammunition manufacturing industry and their authorized representatives. That process informed the conclusion that nonlead ammunition may continue to be scarce even beyond the proposed full implementation date of July 1, 2019. On that basis this alternative was rejected from further consideration, and no new information has been presented to date to indicate nonlead ammunition availability will be increased in the foreseeable future. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

18. Jesse Ross

Comment: Expresses concern about the California condor and urges implementation of Assembly Bill 711 by 2017.

Response: As compared to existing conditions, the Proposed Program will reduce lead in the environment. Chapter 5, section C (Early Implementation Alternative) of the Draft ED provides analysis of an accelerated implementation program. The proposed phase-in regulation was developed based on intensive public scoping and information provided by a range of stakeholders, including but not limited to the ammunition manufacturing industry and their authorized representatives. That process informed the conclusion that nonlead ammunition may continue to be scarce even beyond the proposed full implementation date of July 1, 2019. On that basis this alternative was rejected from further consideration, and no new information has been presented to date to indicate nonlead ammunition availability will be increased in the foreseeable future. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

19. Dana Abbott, Abbott Press

Comment: Earlier implementation of this law is necessary for wildlife safety and for fiscal responsibility. Urges implementation of Assembly Bill 711 by 2017.

Response: As compared to existing conditions, the Proposed Program will reduce lead in the environment. Chapter 5, section C (Early Implementation Alternative) of the Draft ED provides analysis of an accelerated implementation program. The proposed phase-in regulation was developed based on intensive public scoping and information provided by a range of stakeholders, including but not limited to the ammunition manufacturing industry and their authorized representatives. That process informed the conclusion that nonlead ammunition may continue to be scarce even beyond the proposed full implementation date of July 1, 2019. On that basis this alternative was rejected from further consideration, and no new information has been presented to date to indicate nonlead ammunition availability will be increased in the foreseeable future. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

20. Lee Rudin

- a. Comment: Urges implementation of Assembly Bill 711 as quickly as possible; expresses concern about the impacts of lead ammunition on condors and other wildlife. Most calibers of non-lead ammunition are available.
- b. Response: As compared to existing conditions, the Proposed Program will reduce lead in the environment. Chapter 5, section C (Early Implementation Alternative) of the Draft ED

provides analysis of an accelerated implementation program. The proposed phase-in regulation was developed based on intensive public scoping and information provided by a range of stakeholders, including but not limited to the ammunition manufacturing industry and their authorized representatives. That process informed the conclusion that nonlead ammunition may continue to be scarce even beyond the proposed full implementation date of July 1, 2019. On that basis this alternative was rejected from further consideration, and no new information has been presented to date to indicate nonlead ammunition availability will be increased in the foreseeable future. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

21. Herb Stein & Jessica Davis-Stein

- a. Comment: Urges implementation of Assembly Bill 711 as quickly as possible; expresses concern about the impacts of lead ammunition on ground water quality, human health, and condors.
- b. Response: As compared to existing conditions, the Proposed Program will reduce lead in the environment. Chapter 5, section C (Early Implementation Alternative) of the Draft ED provides analysis of an accelerated implementation program. The proposed phase-in regulation was developed based on intensive public scoping and information provided by a range of stakeholders, including but not limited to the ammunition manufacturing industry and their authorized representatives. That process informed the conclusion that nonlead ammunition may continue to be even beyond the proposed full implementation date of July 1, 2019. On that basis this alternative was rejected from further consideration, and no new information has been presented to date to indicate nonlead ammunition availability will be increased in the foreseeable future. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

22. Friends of the Northern San Jacinto Valley (Susan Nash) (2/20/2015)

Comment: Significant impact to human health of consuming wildlife shot with lead ammunition from today until July 1, 2019, can be mitigated to a level of non-significance by the regulations including the warning to hunters stating "WARNING; CONSUMING MEAT TAKEN WITH LEAD AMMUNITION IS HARMFUL TO YOU AND YOUR FAMILY'S HEALTH."

Response: The Proposed Program consists of implementing the statutory mandate to require the use of nonlead projectiles and ammunition for the take of wildlife statewide, and to implement that requirement no later than July 1, 2019 or earlier if practicable. Consistent with CEQA this Draft ED compares the Proposed Program's impacts to the existing environment for purposes of determining the impacts' significance. As compared to the existing environment, the Proposed Program will reduce the use of lead ammunition.

Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

23. Tom Paulek (2/20/2015)

Comment: Incorporating by reference comments provided during the scoping process, commenter raises concerns about the proposed regulation's impact on human beings who consume wild game shot with lead ammunition. Commenter states that the CEQA Guidelines' mandatory findings of significance include where environmental effects of a project will cause substantial adverse effects on human beings either directly or indirectly. Commenter requests that future hunting regulation booklets include an advisory alerting hunters to the implementation of the ban on lead ammunition.

Response: The Proposed Program consists of implementing the statutory mandate to require the use of nonlead projectiles and ammunition for the take of wildlife statewide, and to implement that requirement no later than July 1, 2019 or earlier if practicable. Consistent with CEQA this Draft ED compares the Proposed Program's impacts to the existing environment for purposes of determining the impacts' significance. As compared to the existing environment, the Proposed Program will reduce the use of lead ammunition. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

24. Andrew Williams

Comment: Rather than require that all ammunition used to hunt wildlife in California be free of lead by 2019, strongly urges the Commission to push that deadline forward to 2017 for condors' benefit, various other wildlife, and the humans who eat the game shot with lead bullets. Lead is toxic and we should be trying to restrict its use in the environment generally.

Response: Chapter 5, section C (Early Implementation Alternative) of the Draft ED provides analysis of an accelerated implementation program. The proposed phase-in regulation was developed based on intensive public scoping and information provided by a range of stakeholders, including but not limited to the ammunition manufacturing industry and their authorized representatives. That process informed the conclusion that nonlead ammunition may continue to be scarce even beyond the proposed full implementation date of July 1, 2019. On that basis this alternative was rejected from further consideration, and no new information has been presented to date to indicate nonlead ammunition availability will be increased in the foreseeable future. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

25. Lawrence Thompson

Comment: Lead poisoning is the greatest threat to the condor and implementing Assembly Bill 711 over the next four years is way too long to wait. Implementation by 2017 is feasible and necessary to offset the financial burden of recovery program partners trying to save condors in the wild.

Response: Chapter 5, section C (Early Implementation Alternative) of the Draft ED provides analysis of an accelerated implementation program. The proposed phase-in regulation was developed based on intensive public scoping and information provided by a range of stakeholders, including but not limited to the ammunition manufacturing industry and their authorized representatives. That process informed the conclusion that nonlead ammunition may continue to be scarce even beyond the proposed full implementation date of July 1, 2019. On that basis this alternative was rejected from further consideration, and no new information has been presented to date to indicate nonlead ammunition availability will be increased in the foreseeable future. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

26. National Rifle Association (NRA) (C. D. Michel) (2/23/2015)

- a. Comment: The effects identified in BIO-2 and REC-1 will have a significant impact on the environment. Commenter states that the primary flaw in CDFW's analyses and assessment in BIO-2 and REC-1 is the failure to consider the unavailability and prohibitive cost of alternative ammunition, consisting of metals other than lead. CDFW should propose mitigation measures that delay implementation of the regulations for as long as necessary, to allow nonlead projectiles used in certain cartridges that are popular with hunters to become available.

CDFW downplays the industry's information finding that the loss of hunters will be roughly 5% while also concluding the environmental effect is less than significant in the bio-2 and Rec-1 sections. But the environmental impact of prohibiting the use of such ammunition clearly will be significant and should be carefully considered.

Response: Chapter 3, section g (Recreation) of the Draft ED analyzes the environmental impact of the proposed regulation that may occur due to increased ammunition prices and/or limited availability of certified ammunition. Note that CEQA's definition of environmental impacts does not include socioeconomic effects, unless they contribute to a physical impact on the environment. BIO-3 and REC-1 discuss and analyze impacts due to current knowledge regarding market availability and manufacturer plans.

- b. Comment: CDFW should properly evaluate ATF's proposed changes and the potential impact these changes may have on the availability and cost of alternative ammunition for hunting in California.

Response: It is impossible for this document to predict the future of the federal regulatory process regarding "armor-piercing" definitions and to do so would require speculation. On March 10, 2015, ATF announced that it would not "at this time seek to issue a final framework." See <https://www.atf.gov/press/releases/2015-03-021015-advisory-notice-those-commenting-armor-piercing-ammunition-exemption-framework.html> (last checked March 25, 2015). Moreover, FGC § 3004.5(j)(1) authorizes the director to temporarily suspend the requirement for use of nonlead ammunition if "a specific caliber is not commercially available from any manufacturer is not commercially available because of federal prohibitions relating to armor-piercing ammunition." Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

- c. Comment: With this ammunition unavailable, the populations of small game, non-game, and pests will naturally increase because, as pointed out by NSSF and Southwick and Associates, the unavailability and increased cost of alternative ammunition will significantly lower the number of hunters in California, and conversely the amount of wildlife taken/depredated by hunters and others. Small game, non-game, and pests are generally burrowing animals. The commenter requests analysis of several categories of impacts (i.e., ecosystem, human health from disease outbreak, agriculture, levees) that might potentially occur as a result of increased numbers of these animals.

Response: Substantial evidence demonstrates that "nuisance" (for example, rabbits, rodents, and ground squirrels) wildlife populations are not kept in check predominately by shooting. There are numerous other methods actively employed to temporarily reduce those populations, including shooting them with various calibers of frangible bullets already on the CDFW's certified nonlead ammunition list (available at <http://www.dfg.ca.gov/wildlife/hunting/lead-free/certifiedammo.html>).

Live-trapping (then euthanizing) and/or species specific poisons are the primary method used for controlling populations of rodents which may carry various human disease vectors or air-borne diseases such as hanta-virus. These activities often occur in rural/urban interfaces or in areas such as campgrounds where shooting is not an option. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

- d. Comment: CDFW does not consider potential threats to wildlife because of a decrease in shooting depredation and a corresponding increase in poisoning of non-game and pests to control populations.

Response: The use of poisons to control the populations of "nuisance" wildlife species is controlled by various state and federal laws designed to minimize impacts to non-target species. Appropriate selection of poisons relative to targeted species and applications will maintain overall impacts to non-target wildlife species to a less than significant level.

Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

27. Anthony Fuehrer (2/24/2015)

Comment: Opposed to implementation of Assembly Bill 711.

Response: The Draft ED was prepared pursuant to CEQA to disclose and analyze potential environmental impacts associated with the proposed regulations and is not intended or required to address the merits of Assembly Bill 711 implementation. As enacted, section 3004.5 requires the use of nonlead ammunitions statewide no later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the phasing that is a subject of the Proposed Program, section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase-in the statute's requirements, and that, if any of the statute's requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall do so. (Fish & G. Code, section 3004.5, subd. (i).) Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

28. David Hawley (2/24/2015)

Comment: Opposed to implementation of Assembly Bill 711.

Response: The Draft ED was prepared pursuant to CEQA to disclose and analyze potential environmental impacts associated with the proposed regulations and is not intended or required to address the merits of Assembly Bill 711 implementation. As enacted, section 3004.5 requires the use of nonlead ammunitions statewide no later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the phasing that is a subject of the Proposed Program, section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase-in the statute's requirements, and that, if any of the statute's requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall do so. (Fish & G. Code, section 3004.5, subd. (i).) Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

29. Tom Burns (2/24/2015)

Comment: Opposed to a proposed ban of M855 ammunition.

Response: The issue identified by commenter is under consideration at the Federal level and not by the State of California. This environmental analysis was prepared to disclose and analyze potential environmental impacts associated with the nonlead phase-in regulation. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

30. Pat Dillon (2/24/2015)

Comment: Opposed to implementation of Assembly Bill 711.

Response: The Draft ED was prepared pursuant to CEQA to disclose and analyze potential environmental impacts associated with the proposed regulations and is not intended or required to address the merits of Assembly Bill 711 implementation. As enacted, section 3004.5 requires the use of nonlead ammunitions statewide no later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the phasing that is a subject of the Proposed Program, section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase-in the statute's requirements, and that, if any of the statute's requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall do so. (Fish & G. Code, section 3004.5, subd. (i).) Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

31. Cary Gatchet (2/24/2015)

Comment: Information provided in BIO-2 and recreation section, including REC-1 lack factual and evidentiary support. Federal and state health department studies have concluded that lead ammunition is not a human health risk and a recently released peer reviewed study out of Sweden indicates that there is no human health risk to people who consume wild game harvested with lead ammunition. Despite 99% hunter compliance, the AB 821 lead ammunition ban has failed to reduce lead poisoning in condors. Assembly Bill 711 fails to address the alternative sources of lead in the environment that are poisoning condors and other wildlife.

Response: The commenter provides no specifics as to why BIO-2 (impacts to ecosystems if reduced hunting activity occurs and that reduction contributes to overpopulation) and the analysis of recreational impacts, including REC-1, are deficient.

Commenter's statements regarding the efficacy of Assembly Bill 711 vis-a-vis human health risks and relative to alternative sources of lead in the environment are outside of the scope of this document, which focuses on the environmental impacts the proposed regulations rather than efficacy of Assembly Bill 711.

Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant

32. James Gibbons (2/24/2015)

Comment: Opposed to implementation of Assembly Bill 711.

Response: The Draft ED was prepared pursuant to CEQA to disclose and analyze potential environmental impacts associated with the proposed regulations and is not intended or required to address the merits of Assembly Bill 711 implementation. As enacted, section

3004.5 requires the use of nonlead ammunitions statewide no later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the phasing that is a subject of the Proposed Program, section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase-in the statute's requirements, and that, if any of the statute's requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall do so. (Fish & G. Code, section 3004.5, subd. (i).) Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

33. Stephen Lee (2/24/2015)

Comment: Opposed to implementation of Assembly Bill 711.

Response: This environmental analysis was prepared pursuant to CEQA to disclose and analyze potential environmental impacts associated with the proposed regulations and is not intended or required to address the merits of Assembly Bill 711 implementation. As enacted, section 3004.5 requires the use of nonlead ammunitions statewide no later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the phasing that is a subject of the Proposed Program, section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase-in the statute's requirements, and that, if any of the statute's requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall do so. (Fish & G. Code, section 3004.5, subd. (i).) Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

34. Michael Merkley (2/24/2015)

Comment: Opposed to implementation of Assembly Bill 711.

Response: Draft ED was prepared pursuant to CEQA to disclose and analyze potential environmental impacts associated with the proposed regulations and is not intended or required to address the merits of Assembly Bill 711 implementation. As enacted, section 3004.5 requires the use of nonlead ammunitions statewide no later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the phasing that is a subject of the Proposed Program, section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase-in the statute's requirements, and that, if any of the statute's requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall do so. (Fish & G. Code, section 3004.5, subd. (i).) Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

35. Mike Yancheff (2/24/2015)

Comment: Opposed to Assembly Bill 711; environmental analysis lacks facts and evidence in support of conclusions.

Response: This environmental analysis was prepared to disclose and analyze potential environmental impacts associated with the nonlead phase-in regulation. Despite commenter's statement that the analysis lacks facts and evidence to support the conclusions made, CDFW, on behalf of the Commission, used the best available information (scientific literature, ammunition industry reports/assessments, economic data compiled by the Department and Fish and Wildlife Service) available. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

36. Clayton J. Guest (2/24/2015)

Comment: Opposed to new DOJ Firearm Safety Certificate (FSC) Program.

Response: This environmental analysis was prepared to disclose and analyze potential environmental impacts associated with the nonlead phase-in regulation. The commenter provides no comments related to the Proposed Program's environmental impacts and no further response is warranted.

37. Mark Cave (2/24/2015)

Comment: Concerned regarding ammunition availability for muzzle-loading firearms.

Response: Although CEQA does not require analysis of socioeconomic impacts, Chapter 3, section g (Recreation) analyzes the environmental impact of the proposed regulation that may occur due to increased ammunition prices and/or limited availability of certified ammunition. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

This environmental analysis was prepared pursuant to CEQA to disclose and analyze potential environmental impacts associated with the proposed regulations and is not intended or required to address the merits of Assembly Bill 711 implementation. As enacted, section 3004.5 requires the use of nonlead ammunitions statewide no later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the phasing that is a subject of the Proposed Program, section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase-in the statute's requirements, and that, if any of the statute's requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall do so. (Fish & G. Code, section 3004.5, subd. (i).)

38. Mike Jackson (2/24/2015)

Comment: Opposed to proposed ban of M855 ammunition.

Response: The issued identified by commenter is under consideration at the Federal level and not by the State of California. This environmental analysis was prepared to disclose and analyze potential environmental impacts associated with the nonlead phase-in regulation.

Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

39. Drew Pruhs (2/24/2015)

Comment: Opposed to Assembly Bill 711; environmental analysis lacks facts and evidence in support of conclusions.

Response: This environmental analysis was prepared pursuant to CEQA to disclose and analyze potential environmental impacts associated with the proposed regulations and is not intended or required to address the merits of Assembly Bill 711 implementation. As enacted, section 3004.5 requires the use of nonlead ammunitions statewide no later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the phasing that is a subject of the Proposed Program, section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase-in the statute's requirements, and that, if any of the statute's requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall do so. (Fish & G. Code, section 3004.5, subd. (i).) Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

40. Steve Jones (2/24/2015)

Comment: Opposed to proposed ban of M855 ammunition.

Response: The issued identified by commenter is under consideration at the Federal level and not by the State of California. This environmental analysis was prepared to disclose and analyze potential environmental impacts associated with the nonlead phase-in regulation. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

41. G-man (2/24/2015)

Comment: The commenters expresses concerns about the lack of a clean kill using Cu vs. Pb bullets, states that the analysis and assessment of the Biological Resources Section and the Recreational Section have not demonstrated a clear nexus that lead from bullets is creating a significant environmental impact, and inquires whether it is possible to delay implementation of Assembly Bill 711.

Response: Chapter 3 of the Draft ED sets forth analysis supported by substantial evidence regarding the impact of copper versus lead bullets on biological resources. Pages 3:13 to 3:14 of the Draft ED set forth substantial evidence related to the relative wounding impacts of lead and nonlead ammunition. Pages 3:7 to 3:9 of the Draft ED address the relative toxicity of lead and nonlead ammunition. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

As enacted, section 3004.5 requires the use of nonlead ammunitions statewide no later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the phasing that is a subject of the Proposed Program, section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase-in the statute's requirements, and that, if any of the statute's requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall do so. (Fish & G. Code, section 3004.5, subd. (i).)

42. Reed Kayano (2/24/2015)

Comment: Opposed to Assembly Bill 711.

Response: As enacted, section 3004.5 requires the use of nonlead ammunitions statewide no later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the phasing that is a subject of the Proposed Program, section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase-in the statute's requirements, and that, if any of the statute's requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall do so. (Fish & G. Code, section 3004.5, subd. (i).)

This environmental analysis was prepared to disclose and analyze potential environmental impacts associated with the mandated nonlead phase-in regulation. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

43. Jackson Lytal (2/24/2015)

Comment: Opposed to Assembly Bill 711.

Response: As enacted, section 3004.5 requires the use of nonlead ammunitions statewide no later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the phasing that is a subject of the Proposed Program, section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase-in the statute's requirements, and that, if any of the statute's requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall do so. (Fish & G. Code, section 3004.5, subd. (i).)

This environmental analysis was prepared to disclose and analyze potential environmental impacts associated with the nonlead phase-in regulation. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

44. Joel Mosher (2/24/2015)

Comment: Opposed to Assembly Bill 711.

Response: As enacted, section 3004.5 requires the use of nonlead ammunitions statewide no later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the phasing that is a subject of the Proposed Program, section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase-in the statute's requirements, and that, if any of the statute's requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall do so. (Fish & G. Code, section 3004.5, subd. (i).)

This environmental analysis was prepared to disclose and analyze potential environmental impacts associated with the mandated nonlead phase-in regulation. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

45. Bill Winegar (2/24/2015)

Comment: Concerns regarding ammunition availability due to production limitations and BATF actions.

Response: Although CEQA does not require analysis of socioeconomic impacts, Chapter 3, section g (Recreation) analyzes the environmental impact of the proposed regulation that may occur due to increased ammunition prices and/or limited availability of certified ammunition. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

46. Ben Crum (2/24/2015)

Comment: Changing ammunition could reduce the humane effect of hunting ; opposed to Assembly Bill 711 and the ban of M855 ammunition.

Response: Chapter 3 of the Draft ED sets forth substantial evidence regarding the impact of copper versus lead bullets on biological resources. Pages 3:13 to 3:14 of the Draft ED set forth substantial evidence related to the relative wounding impacts of lead and nonlead ammunition. Pages 3:7 to 3:9 address the relative toxicity of lead and nonlead ammunition.

As enacted, section 3004.5 requires the use of nonlead ammunitions statewide no later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the phasing that is a subject of the Proposed Program, section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase-in the statute's requirements, and that, if any of the statute's requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall do so. (Fish & G. Code, section 3004.5, subd. (i).)

Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

47. Amber Capoor (2/24/2015)

Comment: Opposed to proposed ban of M855 ammunition.

Response: The issued identified by commenter is under consideration at the Federal level and not by the State of California. This environmental analysis was prepared to disclose and analyze potential environmental impacts associated with the nonlead phase-in regulation. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

48. Gail Kreider (2/24/2015)

Comment: Concerned regarding ammunition availability for muzzle-loading firearms.

Response: Although CEQA does not require analysis of socioeconomic impacts, Chapter 3, (BIO-3 and REC-1) analyzes the environmental impact of the proposed regulation that may occur due to increased ammunition prices and/or limited availability of certified ammunition. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

49. Greg Pausiuk (2/25/2015)

Comment: Analyses provided in BIO-2 and REC-1 sections are deficient and lack factual and evidentiary support.

Response: BIO-1 and BIO-2 provided analyses supported by substantial evidence concluding that the Proposed Program would result in less than significant impacts to species from reduced lead and increased other metals (primarily copper) in the environment, and less than significant impacts to ecosystems if reduced hunting activity occurs and that reduction contributes to overpopulation. The commenter does not provide any detail as to the factual evidence omitted from the BIO-1 and BIO-2 analysis and how it would affect the analyses' impact conclusions. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

50. Andy White (2/25/2015)

Comment: Regulation of lead ammunition infringes on the commenters constitutional rights.

Response: This environmental analysis was prepared to disclose and analyze potential environmental impacts associated with the nonlead phase-in regulation. Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

51. flott@juno.com (2/25/2015)

Comment: Legal hunters will have no alternative ammunition for their sport and lead ammunition for hunting has an insignificant effect on the environment because a few shots, or none at all, are made during a typical hunt, unlike during target practice.

Response: Although CEQA's definition of environmental impacts excludes socioeconomic impacts, Chapter 3 (BIO-3 and REC-1) analyzes the environmental impact of the proposed regulation that may occur due to increased ammunition prices and/or limited availability of certified ammunition. Chapter 3 includes substantial evidence that requiring nonlead ammunition will result in less than significant environmental impacts, including beneficial impacts to wildlife.

This environmental analysis was prepared pursuant to CEQA to disclose and analyze potential environmental impacts associated with the proposed regulations and is not intended or required to address the merits of Assembly Bill 711 implementation. As enacted, section 3004.5 requires the use of nonlead ammunitions statewide no later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the phasing that is a subject of the Proposed Project, section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase-in the statute's requirements, and that, if any of the statute's requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall do so. (Fish & G. Code, section 3004.5, subd. (i).) Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

52. Jeremy Wright

Comment: Lead ammunition has been used for a long time without complications. The commenter also notes that nonlead ammunition is expensive and that nonlead ammunition will result in greater wounding.

Response: Chapter 3 (BIO-3 and REC-1) of the Draft ED analyzes the environmental impact of the proposed regulation that may occur due to increased ammunition prices and/or limited availability of certified ammunition. CEQA's definition of environmental impacts does not include socioeconomic effects, unless they contribute to a physical impact. Commenter provides no specific information that necessitates modification of the Chapter 3 analysis.

Chapter 3, section d (Biological Resources; BIO-4: Impacts from wounding) of the Draft ED provides analysis of the available literature regarding wounding rates of various hunting methods (big-game, upland game, and waterfowl) using traditional lead ammunition vs. nonlead ammunition. Current research indicates there is no detectable difference in wounding rates between the ammunition types.

Commenter provides no substantial evidence necessitating a change to the Draft ED's conclusion that the Proposed Program's impacts are less than significant.

53. Trevor W. Santos, Mngr. Gov. Relations- State Affairs, National Shooting Sports Foundation (3/25/15)

- a. Comment: The state underestimates ammunition shortages and the economic impacts of requiring nonlead ammunition.

Response: Chapter 3 (BIO-3 and REC-1) analyzes the environmental impact of the proposed regulation that may occur due to increased ammunition prices and/or limited availability of certified ammunition. Importantly, Draft ED acknowledges that there will be limitations in nonlead ammunition supply and increases in cost. However, notably, the Department of Finance determined that the proposed rulemakings economic analysis actually overestimated the Proposed Program's economic impacts. (Draft ED at 3:26.) While a difference of opinion exists regarding the extent of these impacts, the Draft ED's analysis is supported by substantial evidence and provides reasonable and good faith analysis of the Proposed Program's impact.

- b. Comment: The state has overestimated the impact of lead on the environment and is fast-tracking implementation of Assembly Bill 711.

Response: Commenter reports study outcomes related to bald eagle populations and human health risk, respectively, and suggests that the state is overestimating the adverse impact of lead on the environment. However, commenter provides no specific analysis challenging the substantial evidence supporting the analyses in Chapter 3. Importantly, the Department, on the Commission's behalf, considered an early implementation alternative but rejected it due to concerns about the availability of nonlead ammunition. Commenter presents no substantial evidence necessitating revisions to the Draft ED or the Proposed Program.

Chapter 3: The Final ED

On October 11, 2013, the Governor signed Assembly Bill 711, which became effective January 1, 2014. (Stats. 2013, ch. 742, § 2, amending Fish & G. Code, § 3004.5.) In general, as enacted, section 3004.5 requires the use of nonlead ammunitions statewide no later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the phasing that is a subject of the Proposed Program, section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase-in the statute's requirements, and that, if any of the statute's requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall do so. (Fish & G. Code, § 3004.5, subd. (i).)

The signing message from the Governor noted the danger that lead poses to wildlife, and also noted the current requirement for the use of nonlead ammunition in areas of California associated with or in the range of the California condor (*Gymnogyps californianus*). In addition, the Governor recognized and underscored the importance of hunters and the need to protect the hunting community's interests through, for example, providing hunters an adequate transition to the use of nonlead ammunition. To that end, the Governor directed CDFW to achieve the least disruptive phase-in.

This Final ED, and the public review and responses to comments set forth herein, build on an extensive outreach effort begun shortly after Assembly Bill 711's enactment. Beginning in January 2014, the Commission, as well as CDFW acting on behalf of the Commission, initiated an intensive public outreach effort designed to solicit ideas from both hunters and nonhunters regarding the least disruptive manner to phase the transition from traditional lead to nonlead ammunition as soon as practicable but not later than the date on which the requirement goes into effect statewide, and consistent with section 3004.5. CDFW shared a "starting point" proposal with the public at a total of 16 outreach meetings throughout the state, from Susanville to San Diego (see Table below). This starting point proposal, as modified by public input received at these meetings, formed the basis for the proposed regulatory action at issue here: addition of section 250.1 to Title 14, amendment of existing sections 311, 353, 464, 465, 475, and 485, as well as repeal of section 355 of title 14 of the California Code of Regulations. These proposed changes to Title 14 constitute the Proposed Program for the purposes of CEQA, the Commission's CRP, the Draft ED, and this Final ED.

PUBLIC OUTREACH MEETINGS

<u>Date</u>	<u>Meeting Type and Location</u>
January 11, 2014	International Sportsmen's Exposition, Sacramento
January 15, 2014	Wildlife Resources Committee (WRC) Meeting, Van Nuys
March 1, 2014	National Wild Turkey Federation, Vacaville
March 18, 2014	Director's Hunting Advisory Committee, Sacramento
March 28-29, 2014	Fred Hall Show, Del Mar

April 15, 2014	Public Workshop, Ventura
June 3, 2014	Public Workshop, Eureka
July 19, 2014	Ducks Unlimited Meeting, Corning
July 19, 2014	Public Workshop, Redding
July 28, 2014	WRC Meeting, Sacramento
July 29, 2014	Public Workshop, Rancho Cordova
August 5, 2014	Public Workshop, San Diego
August 12, 2014	Public Workshop, Fresno
August 19, 2014	Public Workshop, Rancho Cucamonga
September 17, 2014	Regulation Recommendation at WRC, Sacramento
October 25, 2014	Public Workshop, Susanville

With respect to the public review period for the Draft ED, on the Commission's behalf, CDFW circulated a Notice of Completion (NOC) to the public. The issuance of the NOC began a 47-day public review period on the Proposed Project and Draft ED beginning January 7, 2015 and ending on February 23, 2015.

A number of comments that might have been directed at the Draft ED were received the day after the public commenter period closed. Although not legally required by CEQA to do so, this Final ED addresses those comments. In addition, this Final ED responds to comments received by the Commission in its APA process, where those comments may reasonably be seen to pertain to the Proposed Program's environmental impacts. In short, the Department, on the Commission's behalf, reviewed and considered all comments received including but not limited to those explicitly directed at the Draft ED or the Proposed Project's environmental impacts. This Final ED includes individual responses to comments: (1) specifically directed to the Draft ED; (2) regarding the Proposed Program's environmental impacts; or (3) raising significant environmental points.

None of the comments introduced, or required the addition of, significant new information that changed the environmental analysis in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. Pursuant to the CEQA Guidelines, significant new information requiring recirculation for an EIR, specifically, includes, for example, a disclosure that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

Importantly, on the Commission's behalf, CDFW received a broad spectrum of comments regarding the Proposed Project and Draft ED during the public review period. Some of those comments concern environmental issues that fall within the purview of CEQA. Many others do not. For example, the CDFW received various comments objecting to or in support of, or making specific recommendations related to the Proposed Project. Some of these comments relate solely to the Department's proposed regulations, all without mention to any environmental issue subject to CEQA.

Based on the comments received, the Final ED's responses to comments above demonstrate the Draft ED included good faith and reasoned analyses, and serves the disclosure purpose that is central to the CEQA process. The comments received underscore the differences of opinion regarding the merits of Assembly Bill 711, the likely availability of nonlead ammunition, and the effect of the environment of requiring nonlead ammunition. As set forth in this Final ED's responses to comments, the merits of Assembly Bill 711 are outside the scope of both the Commission's current process CEQA review. And, although commenters provided conflicting opinions regarding the likely availability of nonlead ammunition and the environmental impacts of phasing-in the nonlead ammunition requirement, no commenters provided substantial evidence necessitating a change to the Draft ED's conclusions that the Proposed Program's impacts are less than significant. After reviewing the comments and the responses to comments herein, no further modifications to the Environmental Document or the Proposed Program is necessary.

In order to adopt the Proposed Program by regulation, the Commission must comply with and conduct regular noticed rulemaking pursuant to the APA. That effort is occurring concurrently with the related environmental review of the Proposed Program as required by CEQA and the Commission's CRP.

The Environmental Document inform the Commission's exercise of discretion with respect to final action on the Proposed Program. Prior to any such action, the Commission will review and consider the Environmental Document, including related public testimony. The Environmental Document, in this respect, will inform any final action by the Commission related to the Proposed Program under both CEQA and the APA. As such, the Environmental Document is an integral part of any decision the Commission may make concerning the Proposed Program and related regulations the Commission may adopt as directed by the Fish and Game Code.

Appendix A

From: [Eric Liners](#)

To: [Barr, Victoria@Wildlife](#)

Subject: Re: Public Notice- Nonlead Phase In Draft Environmental Document

Date: Wednesday, January 07, 2015 8:24:11 PM I am extremely opposed to this act. There is no good reason for further regulation of ammunition composition. Also, the environmental impact of lead pollution from bullets in the landscape is unmeasurable. This is another example of non justified limitation of our 2nd amendment rights. Please devote your time to meaningful legislation to trim the cost of government and lower taxation levels. Dr. Eric Liners

From: [Alan Block](#)

To: [Wildlife Management](#)

Subject: Non-led Ammunition requirements.

Date: Wednesday, January 07, 2015 5:00:23 PM

The report states that no significant environmental impact will result from this change. Why is it being implemented?

Why is this being implemented throughout the state outside of the condor habitat zones.

There is not viable alternative to lead ammunition for muzzleloading arms. This is especially true for round ball projectiles used in flintlock arms such as mine.

Thank you for your attention.

Alan Block

Mission Viejo, Ca

From: eric@goodcushion.com

To: Barr, Victoria@Wildlife

Cc: Stowers, Craig@Wildlife; Itoga, Stuart@Wildlife

Subject: RE: Public Notice- Nonlead Phase In Draft Environmental Document

Date: Thursday, January 08, 2015 1:08:24 PM

Dear Gentlepersons:

Thank you for notification regarding the enclosed matter. May I offer my opinion?

A large part of my undergraduate pre-med education involved years in environmental, geologic, biologic, oceanographic, physics and chemistry. My comments represent the views of a vast majority of the American people.

I am in firm opposition to unnecessary regulation in this (and many other matters). As a doctor, hunter, and Midwest-raised sportsman, I'm without words to describe my outrage for the bureaucratic urge to subvert the second amendment with no credible supporting documentation.

The environmental impact of lead-tipped ammunition used for hunting and sport shooting is non-measurable. Banning lead-tipped ammunition has absolutely no detectable effect on any environment or biosphere. Please refer me to any scientific studies demonstrating residual toxic levels of lead ammunition shot from citizen's guns (in the wild or the range). Demonstrate harm.

Please devote your time in public service to important vital issues, such as trimming government overhead and lowering burdensome tax/regulatory levels, and lose the liberal politics. The recent historic republican landslide election has refuted over-reaching regulation. Work with we the people, not against us. I remain yours with

Sincere regards:

Dr. Eric Liners

-----Original Message-----

From: joe mello [mailto:mojobmc@yahoo.com]

Sent: Thursday, January 08, 2015 10:22 AM

To: Barr, Victoria@Wildlife

Subject: Re: Public Notice- Nonlead Phase In Draft Environmental Document

How about the massive economical impact of this TOTAL B.S. bill to towns & hunters? nonlead ammo is almost non available and when it is? its NON AFORDABLE to the average hunter! \$50 plus per box of 20 rounds! as for muzzel loaders? NOT AT ALL small game ammo(.22 .17 ect) NOT AT ALL! shot gun NONLEAD slugs ? NONE!! the price of this NONLEAD ammo will clime to a totally unafordable cost to all hunters in 2019!! \$100+ per box of 20rds! hunters will stop hunting in this state completely hence NO INCOME for FISH & GAME, sporting goods stores, motels, campgrounds and many more! hunters are banding together rite now to totally BOYCOTT hunting in this state of Kalifornia! AB11 was pushed thru by the ANTIGUNNERS&ANTI HUNTERS ! there will be NO leadcore ammo available at all (NO MARKET FOR IT) of no use to hunters hence IF when it is available ?it will be also NON AFFORDABLE to ANYONE at all Kalifornia will BAN sales,imports of leadcore ammoe completely (as stated in AB711) fine printe (future BATF regulations pending) wiseup NO HUNTERS NO INCOME FOR ALL OF YOU! I for sure will NO LONGER HUNT IN THIS IN 2019 and leave this pathetic state to wallow in its mistake of pushing thru this JOKE of a AB711! money spent taxes paid ect by hunters will be spent OUT OF STATE ! this bill is UNFOUNDED & has been NEVER proven & the reason for,except to limit ammunition by the ANTI's! whats next? NO LEAD fishing weights? there is THOUSANDS of TONS of LEAD fishing weights in our creeks,streams,rivers & ocean! and just how many pounds of lead bullets are remotely scattered in the fields & woods of Kalifornia? what a TOTAL JOKE ! excuse my rambleings but " I AM PISSEDOFF" i love to hunt and wont be able to hunt here in this JOKE of the state of Kalifornia! as for fish&game employes? start looking for another line of work! WHAT A SHAME that it has come to this.. fish & game income for the sales of BEAR TAGS has all ready taken a MASSIVE hit from NO DOGS for bear hunting, now this AB711 will finish it! !

From: [Pete Garrett](#)

To: [Barr, Victoria@Wildlife](#)

Cc: [Stowers, Craig@Wildlife](#); [Itoga, Stuart@Wildlife](#)

Subject: Re: Public Notice- Nonlead Phase In Draft Environmental Document

Date: Thursday, January 08, 2015 8:46:09 AM This proposal effectively bans the use of traditional Muzzleloading rifles, for which there is no reasonable alternative available. Furthermore the proposal states:

"Anticipated Environmental Effects: The Proposed Program is not anticipated to have any significant effects on the environment." If there are no significant effects anticipated on the environment, then what is the point of this regulation other than to further burden the citizens of the state?

From: David Ochoa

To: Wildlife Management

Subject: Nonlead ammuuntion

Date: Thursday, January 08, 2015 5:30:42 PM

Are you kidding

Just shows The California People are being screwed by over regulation

While we give cart blanch to Illegals

Just saying

Dave Ochoa

From: [Bauer](#)

To: [Wildlife Management](#)

Subject: Draft Environmental Document

Date: Monday, January 12, 2015 9:40:14 AM

Thanks for the notice. Keep it simple for everyone, public land hunters, private land (club) hunters, and enforcement agencies. Special requirements for special interest groups only add confusion and delays the inevitable. Licensed game clubs and outfitters should be leading the charge instead of dragging their feet at the expense of public land hunters. Jim

From: LEE KUHN

To: Barr, Victoria@Wildlife; Wildlife Management

Cc: Stowers, Craig@Wildlife; Itoga, Stuart@Wildlife

Subject: RE: Public Notice- Nonlead Phase In Draft Environmental Document

Date: Friday, January 16, 2015 4:58:45 PM Dear deaf ears, This must be some kind of Joke? I don't recall this being discussed with anyone? If it had been, it would not even be an issue. This is based on junk science from junk scientists. Lead has been used since firearms were invented and now it's an issue in the stooge state? I priced your ammo and it's three times the cost of lead. This is just another commie way to irritated the masses and stop people from hunting. Frankly you should all be ashamed! The DFG sure didn't waste any time typing this baby up, I wonder what it cost the sportsman of this state to finance our demise? Looks like I wont be buying a 2019 hunting license or any other sporting goods from this state. I wonder who will have to pay the bill when the sportsman don't? Thanks for Nothing. Lee Kuhn



PROTECTING **E**ARTH & **A**NIMALS **W**ITH **C**OMPASSION & **E**DUICATION

P.O. Box 846 • Newcastle, CA 95658 • pea-ce@live.com

January 27, 2015

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Ladies and Gentlemen:

RE: Implement Lead Ammo Ban Immediately—Agenda Item 29-Feb 12, 2015

The statistics from study after study and overwhelming evidence proves the incredible harmful impacts that lead is having on children, pregnant women (especially fetuses), other humans, and animals. Whether it's wildlife consuming gut piles, families serving venison, or food bank feeding donated game to unsuspecting disadvantaged, the impacts can be devastating when lead is consumed.

California cannot drag its collective feet in implementing AB 711. Lead is a known, dangerous neurotoxin, even at low levels. As an example, the Centers for Disease Control and Prevention tested 736 people, mostly adults, in six North Dakota cities and found that those who ate wild game had 50 percent more lead in their blood than those who did not.¹ The North Dakota departments of Health, Agriculture and Game and Fish advised food pantries across the state NOT to distribute or use donated ground venison because of the discovery of contamination with lead fragments.

We are playing "Russian Roulette" with lead ammunition and putting lives at risk—both human and wildlife. NON-lead ammunition exists, and Capitalism will ensure that stocks will increase. In the meantime, lives should not be sacrificed simply because some claim non-lead ammo may be "hard to find."

We respectfully urge that the implementation of AB 711 be completed as quickly as possible, and not be delayed for any reasons. The inconveniences involved do not trump the mental and physical health of innocents.

Randall Cleveland

Randall Cleveland
For the PEACE Team

¹ Wild Meat Raises Lead Exposure, <http://www.scientificamerican.com/article/wild-game-deer-venison-condors-meat-lead-ammunition-ban/>



NATIONAL SHOOTING SPORTS FOUNDATION, INC.

11 Mile Hill Road • Newtown, CT 06470-2359 • Tel (203) 426-1320 • Fax (203) 426-7182 • www.nssf.org

LAWRENCE G. KEANE
SENIOR VICE PRESIDENT
& GENERAL COUNSEL

January 28, 2015

Michael Sutton
President
California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 94244

Re: Agenda Item 27 for the February 11-12, 2015 Fish and Game Commission Meeting, AB 711 Implementation

Dear President Sutton and Members of the Commission:

The National Shooting Sports Foundation ("NSSF") is the trade association for America's firearms, ammunition, hunting, and recreational shooting sports industry. Its mission is to promote, protect and preserve hunting and the shooting sports. NSSF has a membership of more than 12,000 manufacturers, distributors, firearms retailers, shooting ranges, and sportsmen's organizations. Our manufacturer members make the firearms used by law-abiding California sportsmen, the U.S. military and law enforcement agencies throughout the state.

As you likely know, NSSF has had discussions with both Commission staff and the Department of Fish and Wildlife concerning the lack of supply and limited demand for alternative ammunition products, as well as the impact banning the use of traditional ammunition will have on the price of the limited supply of alternative ammunition and other economic impacts to wildlife conservation funding in California. NSSF commissioned Southwick Associates to conduct a study which included an analysis on the lack of supply of alternative ammunition for the hunting market in California, the impact that increased demand in California for alternative hunting ammunition will have on the market, and the economic impact of implementing AB 711. The results were presented by Southwick Associates to the Wildlife Resources Committee meeting on September 17, 2014. The purpose of the study was to provide up-to-date information on this subject to both the Commission and Department to hopefully assist them in addressing concerns with the implementation of AB 711.

We welcome this opportunity to explain further why NSSF opposes the Commission's pending proposal to implement AB 711. We continue to believe that implementation of the lead ammunition ban will create severe shortages of ammunition available for California hunters. The timing to implement is difficult given the aggressive timeline and will put a large burden on the hunting population. Our members believe that any delay in implementation would help to

reduce those effects to some degree, and we would suggest that the regulators use maximum discretion to delay implementation.

The language in section (f) Nonlead Projectile and Ammunition Certification Process seems to create a roster of acceptable alternative ammunition. So, in essence, the state of California is not willing to accept manufacturers' word that ammunition produced is lead-free (or contains no more than 1% of lead by weight) which will take effect July 1, 2015. So in a sense, non-lead products currently on the shelf will automatically be deemed 'lead-based' (even if they have no lead in them) and illegal to have in possession while hunting until the product is submitted and certified by the state as compliant. There are concerns as to whether the agency has the expertise to certify all lead free alternatives and what exactly will the process consist of.

There is a major concern when dealing with the regulations and the need for alternative ammunition for the taking of non-game small mammals. The general raptor population is not threatened, so the regulations could delay implementation of this section to give the industry more time to try to find a solution. We know that based upon Southwick Associates study the most critical impacts from the proposed ammunition prohibitions will be associated with rimfire. Manufacturers report an inability to increase rimfire production. Currently, only 0.5% of rimfire is produced using alternative metals and most of these are designated for indoor and specialty uses, not the mass hunting market. These manufacturers are very small in size, unable to ramp up to the levels required of California. Considering rimfire's primary application for small game hunting and its widespread use by young hunters, the loss of rimfire rounds to California hunters will have serious impacts on short and long-term participation.

Based on a survey of California hunters, higher ammunition prices will drive 36 percent of California hunters to stop hunting or reduce their participation. Thirteen percent of California hunters report they would stop hunting as a result of the higher prices (\$1,676 fewer hunters). An additional 10 percent were unsure if they would continue to hunt and another 23 percent said they would likely hunt less than in recent years. For the rest of this analysis, we only assume a loss of 13 percent of hunters to maintain conservative estimates, and this number produces some very large negative economic impacts for the state.

Losses will include:

- a. 1,868 jobs
- b. \$68.7 million in salaries and wages,
- c. \$13.9 million in state and local tax revenue and
- d. \$5.8 million of federal tax revenues

America's firearm and ammunition manufacturers have a long and proud history of supporting science-based wildlife population management. This concept has been championed by our industry, and we will continue to aggressively support these steps. Our industry remains concerned that there is no conclusive scientific evidence establishing a causal relationship between the use of traditional ammunition for hunting big game and elevated blood lead levels found in some condors, yet we continue to see the Commission and Department going down the road to quickly implement AB 711 to the detriment of hunters and the environment.

In addition to the results of the economic impact analysis presented by Southwick Associates during the September meeting, new information has surfaced dealing with a report received by the California Department of Fish and Wildlife as early as April 2013, the same time the lead ammunition ban was being debated in the legislature. Email correspondence shows that the report was intentionally withheld from the public by Condor Coordinator John McCamman until after the bill was signed into law. Had the report been released by its statutory due date in June of 2013, the bill may not have passed given that the reason for its passage was significantly undermined by the evidence in the report, namely that condor poisonings had been overstated by animal rights activists.

At the time of the Governor's signing of the bill, 2012 data on the condor zone lead ban had not been released. Soon after the lead ban was expanded statewide, the report on condor poisonings was released and it showed no reduction in condor mortality and even a slight increase in certain areas of the condor zone.

A recent Iowa State University study shows that the bald eagle population is doing just fine – even in Iowa, a state where lead ammunition is used in abundance. The study examined the bald eagle population at-large, not just the blood lead levels of deceased birds. In order to get results from live birds, the researcher tested the fecal level of 400 free-flying eagles throughout the state of Iowa. As was to be expected, the overall blood-lead levels were very low, about the same as the background environmental lead levels and similar to the blood lead levels found in eagles in lead-free sites. Additionally, none of the researchers observed any behavior from the eagles that would have them believe the eagles were suffering from lead poisoning. One can get a better sense of the overall population by testing free-flying birds, not just sick birds admitted to a rehabilitation center. Overall, this study proves that traditional (lead) ammunition is not negatively affecting the general population of eagles and serves as a cautionary tale against accepting studies that extrapolate findings from examining only sick birds onto entire bird populations.

Another topic of discussion worth noting deals with the human consumption of game meat taken with traditional ammunition. A 2008 study by the Centers for Disease Control (“CDC”) was recently confirmed by a recent Swedish study entitled “Lead in Game Meat,” with both studies coming to the conclusion that consuming game harvested with traditional ammunition containing lead does not pose a human health risk. The tests from each study showed that those consuming game taken with traditional ammunition was well below the risk level.

Hunters and sportsmen represent the largest financial supporters of wildlife conservation. Since 1991, firearms and ammunition manufacturers have contributed over \$3 billion dollars to wildlife conservation through excise tax payments. Our industry understands and appreciates the importance of conserving resources and protecting our environment. Unfortunately, adopting regulations that ignore science and are based on emotion will result in a decrease in conservation funding California receives to manage *all* of the state's wildlife resources.

For the above reasons, we urge the California Fish and Game Commission to abandon a fast-tracked implementation of AB 711 and instead allow the industry time to continue to develop alternatives and adequately increase the supply to sportsmen. Beginning implementation this

year will lead to severe shortages of ammunition and precipitous drops in hunters when they are unable to purchase compliant ammunition.

If you have any questions, please contact our legislative advocate, Kathryn Lynch, at 916-443-0202 or lynch@lynchlobby.com.

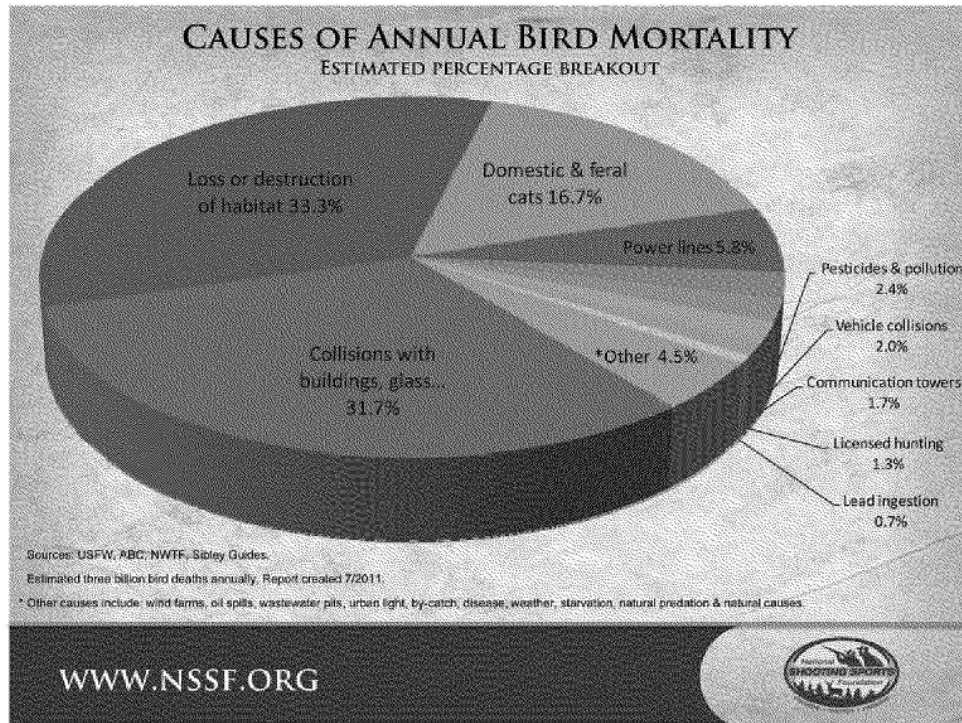
Sincerely,



Lawrence G Keane
Senior Vice President & General Counsel
National Shooting Sports Foundation

cc: Mr. Sonke Mastrup, Executive Director, Fish and Game Commission
Mr. Charlton Bonham, Director, California Department of Fish and Wildlife
California Fish and Game Commission
Governor Edmund G. Brown, Jr.
Ms. Kathryn Lynch, Legislative Advocate
National Shooting Sports Foundation

Attachment: Bird Mortality Chart





January 29, 2015

Mike Sutton, President
California Fish and Game Commission
1419 Ninth Street, Room 1320
Sacramento, CA 95814

Re: Comments on Agenda Items #23, #27, #28, #29

Dear President Sutton,

APECS is writing to express our position on the below agenda items. As always, we appreciate the opportunity to work with you and your fellow Commissioners on these important wildlife issues. Please see below for our comments.

Items of Interest:

➤ **Agenda Item #23**

APECS has been attending the WRC meetings and we look forward to continue working with the Commission and the CDFW to maintain predator management for public safety, agricultural interests, and wildlife conservation programs. We also support the department's attempt to charge the non-consumptive visitors of CDFW managed lands a use fee.

➤ **Agenda Item #27**

We appreciate the department's thoughtful implementation plan though we continue to have serious concerns with the passage of AB 711, its effects on hunters, conservation programs, and if suitable and readily available alternative ammunition will be manufactured by 2019. APECS attended the department's public scoping meeting in November and will be providing comments on the "draft" CEQA document soon.

➤ **Agenda Item #28**

APECS supports deer tag reporting, though we'd prefer the proposed non-reporting "penalty" be phased in for at least one year. Though collecting deer tag reporting is an important tool for science-based management, the "penalty" should also be lowest form of a CDFW violation. We support the other proposed changes to the mammal hunting regulations related to the species quotas, and done so in "range" format.

➤ **Agenda Item #29**

Our preferred preference continues to be to use the established property boundaries of the closed areas as specified in the legislation, and to require that the trappers use GPS.

Best Afield,

Rick Bulloch

Cc Members of the California Fish and Game Commission
 Sonke Mastrup, Executive Director

“The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired, in value”
—Theodore Roosevelt

APECS Society P.O. 995 Sacramento, CA. 95814 www.apecsfoundation.org

From: Jerry Bell [mailto:belltroutbum@aol.com]

Sent: Wednesday, February 04, 2015 2:31 PM

To: Barr, Victoria@Wildlife

Subject: Re: Public Notice- Nonlead Phase In Draft Environmental Document

The whole Non Lead Ammunition scam is a pipe dream. Living proof that the California Dept. of Fish and Wildlife no longer cares about the interest of Fishing and Hunting license purchasers. Instead it caters to and prostitutes itself to the likes of HSUS and the Center for Bio diversity. Proof that California has way too lenient pot laws.

Department of Fish and Wildlife
Director's Office
1416 Ninth Street, 12th Floor
Sacramento, CA 95814

RECEIVED

FEB 06 2015

DFW Director's Office

Subject: Nonlead Ammunition Requirement

Gentlemen:

This is mainly an iteration of previous concerns, but I would add another. That is that some monitoring, and only minimally, be done on copper impacts to vulnerable areas only. When copper replaced asbestos in brake shoe manufacture, it was found that some shellfish were becoming contaminated with copper adjacent to the freeway in the eas San Francisco Bay, so some monitoring of some mountain lakes and inlets may be in order. I do not place this as being a high priority, but as a slight measure to fend off any possible unforeseen negative impacts.

More of a concern is the probable use of steel rifle and carbine bullets in wildlands, where they constitute an ignition source for wildfires. Coupled with drought and climate change, this is a cause of a significant loss of habitat. Of major concern is the lack of concern by the Department regarding what should be considered a major duty of it. It is unfortunate that it currently is concentrating on listing endangered species, mainly as a tool for other objectives, so that general habitat is not as important as that specific to one species. This is reminiscent of George Orwell's ANIMAL FARM where "all animals are equal, but some animals are more equal than other animals", and now we must add so is their habitat. The Department has conveniently called a Forest Service demonstration event as unscientific, while failing to note its point of origin evidence. Again, ideological direction provided by ideologues both of the public and the Commission is responsible for negative wildlife impacts.

Finally, there is the problem of the ban being a Magic Bullet so to speak. The Condors habitat includes Wind Wolves Condor Park. It is better classified as a park than a refuge as it places park activities over condor preservation it has an amount of ambient lead on site and does not see fit to clean it up under the Super Fund as its neighbor has. The problem of legacy lead remaining from the mining era is both a problem for wildlife and people, but now it has been conveniently swept aside by AB 711. Lead, it should be remembered was a problem in ancient Rome. We all are impressed with the aqueducts, but on arrival to Rome water was dispensed through lead pipes. So, while the barbarians were at the gates, the emperors and general populace were crazily watching lions at lunch. Hope you all enjoyed the Super Bowl and its ads.

Sincerely,



Dennis Fox
918 Blossom St
Bakersfield, CA 93306

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February 13, 2015

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VIA E-MAIL

Craig Stowers
Environmental Program Manager
California Department of Fish and Wildlife
1812 9th Street
Sacramento, CA 95811

Re: A.B. 711 Implementation—Comments on Draft Environmental Document and Proposed Regulations

Dear Mr. Stowers:

Ventana Wildlife Society (VWS) thanks you for the opportunity to comment on (1) the text of the Department of Fish and Wildlife's proposed regulations implementing A.B. 711; and (2) the draft Environmental Document reviewing the environmental impacts of the regulations. As both a leader in the conservation and management of birds imperiled by lead and a dedicated partner of hunters and ranchers, VWS hopes its perspective will be helpful to the Department as it balances these important interests.

I. Interest of Ventana Wildlife Society

Founded in 1977, Ventana Wildlife Society is committed to the conservation of California native wildlife and their habitats. VWS coordinates outings and educational events to foster wildlife stewardship and also runs programs to support the conservation of native species. VWS led the way to successful reintroduction of the bald eagle and California Condor, two of the most iconic birds in the world, to native habitats in central California. At present, VWS manages the release program for condors on the central California coast, working in partnership

Craig Stowers
February 13, 2015
Page 2

with the U.S. Fish and Wildlife Service, Pinnacles National Park, and others. As part of that effort, VWS actively manages condor reproduction in central California by replacing non-viable eggs laid in the wild with viable ones from captivity; vaccinating condor chicks against disease; and conducting lead testing for free-flying condors at its Big Sur wildlife sanctuary, among other activities.

In the course of its work, VWS has developed an organizational culture that strongly values science, education, and collaboration and regularly finds ways for both wildlife and people to benefit from each other. This "Ventana Way" is about finding fact-based solutions that benefit society as a whole. In this spirit, VWS is working directly with ranchers and hunters on phasing out the lead ammunition that is affecting the California condor's recovery. Since 2012, Ventana has purchased substantial quantities of nonlead ammunition to provide to ranchers and hunters each year and has plans to continue this program through full implementation of the AB 711 restrictions. VWS staff are in contact with ranchers and hunters on a routine basis and are actively working to address these communities' concerns over the transition to nonlead ammunition.

II. Comments on Draft Environmental Document and Proposed Regulations

VWS urges the Department to give serious consideration to phasing in nonlead ammunition statewide before 2019. In particular, VWS believes that a statewide phase-in by 2017 would have manageable and acceptable impacts on outdoor recreation.

The current proposal not only postpones full statewide implementation to 2019, but also requires virtually no implementation of the new restrictions in the first (2015) program year. The proposal would require nonlead ammunition use in State Wildlife Areas totaling 925,000 acres, but this represents less than 1% of California's total acreage of 101,000,000. Furthermore, very few acres within State Wildlife Areas currently provide for ongoing foraging by condors. A faster phase-in of A.B. 711 in areas that are meaningful for condor recovery would provide far greater benefits to wildlife.

VWS believes that its proposal for full statewide phase-in by 2017 is feasible and would have acceptable impacts on recreation. Past experience with the regulation of lead ammunition in California shows that a quick phase-in will spur production of nonlead products, easing transition burdens. In addition, history demonstrates that, in general, regulations phasing out toxic products tend to prompt the swift development of affordable substitutes. Given the likelihood of a quick ramp-up in the production of nonlead substitutes, lead ammunition should be phased out quickly to minimize the harms it causes wildlife and alleviate the high costs of ameliorating those harms, which are borne not only by VWS and its peer groups, but also by government entities, and thus by the public.

Craig Stowers
February 13, 2015
Page 3

A. The Department Should Evaluate and Adopt an Accelerated Phase-in Alternative

As an alternative to its proposed phase-in plan—under which there will be no requirement that centerfire and rimfire ammunition be nontoxic (except in a very small geographic region) until 2019—the Department should evaluate and adopt an alternative that phases in all of the requirements of A.B.711 statewide by 2017. VWS's experience, and the regulatory history of lead ammunition and other products, demonstrate that this accelerated phase-in is feasible and will have acceptable impacts on recreation.

1. VWS's Experience Purchasing Nonlead Ammunition Shows Most Calibers Are Already Available

Since 2012, Ventana Wildlife Society staff have purchased thousands of boxes of nonlead ammunition of a variety of types and calibers and have made this ammunition available to hunters and ranchers free of charge.¹ As a result, VWS staff have become very familiar with the availability of nonlead ammunition in California. Through the free ammunition program, staff have successfully purchased significant quantities of ammunition from Cabela's, a large national retailer of outdoor equipment, for delivery to program participants primarily located in Monterey and San Benito Counties.² Staff also have purchased nonlead ammunition from other online and physical retailers.³

In the course of the 2012 free ammunition program, participants were able to select from 94 different products, including .22 caliber ammunition, and a majority of the participants reported satisfaction with the free ammunition delivered to them.⁴ VWS continued to offer free nonlead ammunition in both big-game and smaller calibers in 2013 and 2014. Across the three-year program, VWS distributed a total of nearly 2,000 boxes of nonlead ammunition, including hundreds of boxes of smaller-caliber ammunition such as Winchester's

¹ Ventana Wildlife Society, First-Year Results of a Free Non-Lead Ammunition Program to Assist California Condor Recovery in Central California, Dec. 1, 2012, available at http://www.ventanaws.org/images/species/species_condor_lead/Free_Non-Lead_Program_2012.pdf.

² Id. at 5.

³ A survey done by the Institute for Wildlife Studies and Pinnacles National Park also found significant non-lead ammunition availability. Scott Scherbinski and Ben Smith, Reducing Impacts of Lead Ammunition: Challenges and Solutions, Sept. 17, 2014, at p. 10, available at http://www.fgc.ca.gov/meetings/2014/sep/Exhibits/5_2_Scherbinski_Smith_20140917.pdf.

⁴ Id. at 8.

Craig Stowers
February 13, 2015
Page 4

.22 Long Rifle and Magnum products.⁵ A small number of program participants have commented that the selection of .22 ammunition could be broader, but generally speaking most participants are satisfied with the selections offered through the program.⁶ This experience demonstrates that all calibers of ammunition can feasibly be phased in at a relatively rapid pace.

2. Past Experience With Lead Ammunition Regulation in California Shows That Manufacturers Will Swiftly Develop Alternatives

California's past experience placing controls on lead ammunition shows that a quick phase-in of A.B. 711's statewide ban will spur production of nonlead products, adding to the supply of alternatives available to California hunters. In December 2007, after the passage of the Ridley-Tree Condor Preservation Act, the Commission adopted regulations requiring nonlead ammunition for the shooting of smaller, non-game birds and mammals in the Ridley-Tree condor zone.⁷ In August 2007, before the new regulations were adopted, opponents of the new regulations claimed that the nontoxic .22 rimfire ammunition required under the regulations for small-mammal shooting in the condor range would never be feasible to make.⁸

In January 2009, however, very soon after the regulations took effect, Winchester Ammunition announced the availability of new, lead-free .22 caliber rimfire ammunition.⁹ Winchester recognized the need to respond to the increased demand for nonlead rimfire and demonstrated its ability to do so quickly. In commenting on the new product, a representative from Winchester stated: "We recognize the growing customer demand and interest in lead-free products and we're moving to meet that demand."¹⁰ After the January 2009 product announcement, production apparently moved quite quickly—the first production runs were ready

⁵ Certification paperwork for these products is posted at <http://www.dfg.ca.gov/wildlife/hunting/lead-free/certifiedammo.html>. Remington's Disintegrator Varmint product, a small-caliber varmint hunting ammunition type, is also certified as nontoxic.

⁶ Ventana Wildlife Society, First-Year Results, *supra* n. 1.

⁷ Cal. Dep't of Fish & Wildlife, Nonlead Ammunition, <http://www.dfg.ca.gov/wildlife/hunting/lead-free/> (last visited Feb. 12, 2015).

⁸ The agenda for the public meeting at which these remarks were made is available at <http://www.fgc.ca.gov/meetings/2007/082707agd.pdf> (last visited Feb. 12, 2015). This summary of the remarks made at the meeting is based on personal communications with VWS staff who were in attendance.

⁹ Western Outdoor News, Rimfire Non-Lead Ammo Coming, Mar. 10, 2009, <https://www.wonews.com/t-EquipmentReview-SaveCoomus-rimfirenonleadeammo-030909.aspx>, last visited Jan. 30, 2015.

¹⁰ *Id.*

Craig Stowers
February 13, 2015
Page 5

in April 2009, with product moving to dealer shelves as early as April or May.¹¹ Remington followed suit in July 2009, when it introduced the lead-free Disintegrator Varmint product “in the popular 22-250 Remington and 223 Remington calibers.”¹² These manufacturers’ quick response to the new regulations—despite opponents’ prior insistence that no response was possible—suggests that the very same story is likely to play out in the implementation of A.B. 711.

3. Regulation in Other Industries Shows that Industry is Quick to Adapt to the Phaseout of Toxic Products

Experience from other industries further demonstrates that, especially where industry is able to anticipate new regulations, adjustment of manufacturing processes to accommodate new demand for substitute products generally occurs smoothly and efficiently. Examples of industry adjusting to regulation by creating or increasing production of substitute products abound. VWS describes just a few such cases below.

The application of the Clean Air Act to mobile source emissions presents a classic example of industry adaption to dramatic regulatory change. This federal law, passed in 1970, required 90% reduction in tailpipe emission for new 1975 and 1976 automobiles.¹³ “Automakers would begin turning out 1975 model year vehicles in mid-1974, and therefore the mandate provided roughly a three and a half year time horizon for automakers to develop a way to reduce emissions by 90 percent.”¹⁴ At the time, it was not clear that the standards could be met without replacing the internal combustion engine altogether. Automakers insisted that they would not be able to meet the standards,¹⁵ but they were ultimately able to do so by developing two “marquee” technologies, the catalytic converter and the three-way catalyst, which had not previously been used in cars. In the end, the manufacturers were able to create and produce these new technologies in sufficient quantities to outfit an entire new fleet.

¹¹ Id.

¹² Remington.com, Remington Non-Lead Hunting Ammunition Receives California Certification, July 13, 2009, <http://www.remington.com/pages/news-and-resources/press-releases/2009/ammunition/non-lead-ammunition-receives-california-certification.aspx> (last visited Feb. 5, 2015).

¹³ David Gerard & Lester B. Lave, Implementing Technology-Forcing Policies: The 1970 Clean Air Act Amendments and the Introduction of Advanced Automotive Emissions Controls (2003), <http://www.cmu.edu/gdi/docs/implementing-technology.pdf>.

¹⁴ Id at 9.

¹⁵ Roland Hwang & Matt Peak, Innovation and Regulation in the Automobile Sector: Lessons Learned and Implications for California’s CO2 Standards (2006), at 2, http://docs.nrdc.org/air/files/air_08030301A.pdf.

Craig Stowers
February 13, 2015
Page 6

Likewise, beginning in 1979, EPA banned distribution, then manufacture, of polychlorinated biphenyls (PCBs), which are potentially cancer-causing substances that were previously used as coolants and insulating fluids.¹⁶ Prior to the ban, EPA had already begun to monitor PCBs and began regulating them in a limited way in 1972.¹⁷ For that reason, the original manufacturer of PCBs, as well as other chemical companies, “began to search for substitutes prior to regulation.”¹⁸ Due to this effort in anticipation of regulation, substitutes were in place years before the ban took effect.¹⁹ Similarly, EPA moved to ban the pesticide mirex, which was potentially carcinogenic, in 1976, adopting a short two-year phaseout period despite worries that a market for substitutes might never develop.²⁰ As it turned out, four companies applied to register substitutes for mirex well within the phaseout period.²¹

There are also a number of instances in which industry has quickly adapted to an environmental ban by ramping up production of existing substitute technologies that fill the same need. For example, in the 1970s EPA banned the use of lead and mercury in paint, and industry was able to respond to both bans by ramping up production of existing substitute compounds.²² Widespread diffusion of these substitutes throughout the industry was the direct result of the regulations, which increased demand for lead and mercury reduction.²³ This example shows that manufacturers are generally able to phase in substitute products once a ban takes effect, even if they have previously expressed strong resistance to the restrictions, as paint manufacturers did for decades.²⁴

All of these examples suggest that, even if opponents of A.B. 711 maintain that quick implementation of the new restrictions is not feasible—as they did with the Ridley-Tree

¹⁶ Nicholas A. Ashford et al., *Using Regulation to Change the Market for Innovation*, 9 *Harv. Envtl. L.R.* 419, 432 (1985).

¹⁷ *Id.*

¹⁸ *Id.* at 429.

¹⁹ *Id.* at 432.

²⁰ Thomas O. McGarity, *Radical Technology-Forcing in Environmental Regulation*, 27 *Loyola of L.A. L.R.* 943, 947 (1994).

²¹ *Id.*

²² Ashford, *supra* n. 16, at 434-35.

²³ *Id.* at 435.

²⁴ David Rosner & Gerald Markowitz, *Why It Took Decades of Blaming Parents Before We Banned Lead Paint*, *The Atlantic*, Apr. 22, 2013, available at <http://www.theatlantic.com/health/archive/2013/04/why-it-took-decades-of-blaming-parents-before-we-banned-lead-paint/275169/>.

Craig Stowers
February 13, 2015
Page 7

implementation—it is very likely that industry will be able to adapt to the new restrictions on a short timeframe. The Department's current proposal, under which A.B. 711 will not be implemented in full until 2019, merely postpones this adjustment process. Past experience suggests that industry will be able to adapt to the new regulations much more quickly, in time for a 2017 statewide phase-in.

4. Accelerating the Implementation of A.B. 711 Would Alleviate Serious Harms to Wildlife

As VWS pointed out in its prior CEQA scoping comment, a variety of bird species will benefit significantly from the accelerated implementation of A.B. 711. Studies have consistently demonstrated that iconic bird species in California suffer lead poisoning when scavenging in the presence of lead-based ammunition,^{25 26 27} and that substituting nonlead ammunition alleviates the problem.^{28 29} In addition, during its 15 years of managing the central California condor population, VWS has witnessed direct evidence of the harms to condors from ingestion of small-caliber ammunition, including the November 2012 death of a ten-year-old male condor in Pinnacles National Park that had ingested a lead .22 caliber bullet. "This bird was a breeding male, the first at Pinnacles National Park in more than 100 years. With only a few breeding pairs established in the region, the loss of the Pinnacles male leaves a void which might

²⁵ Janet L. Kramer & Patrick T. Redig, Sixteen years of lead poisoning in eagles, 1980–95: an epizootiologic view, *Journal of Raptor Research* 31: 327–333 (1997), available at <https://sora.unm.edu/sites/default/files/journals/jrr/v031n04/p00327-p00332.pdf>.

²⁶ A.R. Harmata & M. Restani, *Environmental Contaminants and Cholinesterase in Blood of Vernal Migrant Bald and Golden Eagles in Montana*, *Intermountain J. of Sci.* (1995), cited in Robert Domenich & Heiko Langner, *Blood-Lead Levels of Fall Migrant Golden Eagles in West-Central Montana*, extended abstract in R.T. Watson et al eds., *Ingestion of Lead from Spent Ammunition: Implications for Wildlife and Humans*, The Peregrine Fund, available at http://www.biologicaldiversity.org/campaigns/get_the_lead_out/pdfs/Domenich_and_Langner_2009.pdf.

²⁷ Loren D. Knopper et al, Carcasses of Shot Richardson's Ground Squirrels May Pose Lead Hazards to Scavenging Hawks, 70(1) *J. Wildlife Mgmt* 295 (2006), abstract available at http://www.biologicaldiversity.org/species/birds/California_condor/pdfs/Knopper-et-al-2006.pdf.

²⁸ Terra R. Kelley, et al., Impact of the California lead ammunition ban on reducing lead exposure in golden eagles and turkey vultures, *PLoS ONE* 6(4): e17656, available at <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0017656>.

²⁹ Bryan Bedrosian et al, Lead Exposure in Bald Eagles from Big Game Hunting, the Continental Implications and Successful Mitigation Efforts (2012), available at <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0051978>.

Craig Stowers
February 13, 2015
Page 8

not be quickly filled.³⁰ An accelerated phase-in of A.B. 711 would limit additional losses of this kind during the ramp-up period, and thus would significantly benefit wildlife.

5. Accelerating the Implementation of A.B. 711 Would Lessen the Significant Public Burdens Associated with Management of Wildlife Harmed by Lead

The cost of managing wildlife harmed by lead poisoning is extremely significant, and could be alleviated by expeditious elimination of lead ammunition from the environment.

The condor recovery program is one of the nation's most complex efforts to restore an endangered species. The program exists through the cooperation of an array of nongovernmental and governmental organizations in the U.S. and Mexico, including VWS, the National Park Service, the U.S. Fish and Wildlife Service, and the L.A. Zoo.³¹ Among many other activities, the program includes captive breeding and release, and treatment of birds that need medical attention—often as a result of lead poisoning.

Through the condor recovery program, tens of condors are brought in each year for lead poisoning treatment at the L.A. Zoo.³² In addition, in May 2014, in an effort to keep up with the growing demand for treating lead-poisoned condors, the Oakland Zoo received its first condor patient.³³ “Most birds undergo chelation treatments, which are injections of medications that bind heavy metals so that they can be eliminated from the body.”³⁴ The birds must be given the injections for five days, and the regimen may have to be repeated if blood lead levels are not adequately decreased after the first cycle. The resulting resource drain and impact on personnel is significant. “On any given day the Zoo staff could be catching and treating up to 15 condors,

³⁰ Ventana Wildlife Society, Species Recovery, Condors and Lead, http://www.ventanaws.org/species_condors_lead/ (last visited Nov. 18, 2014). The website contains photographs showing the .22 caliber bullet found in condor #318 at Pinnacles.

³¹ Am. Ornithological Union, at 6, http://www.fws.gov/cno/es/calcondor/PDF_files/AOU-Audubon2008-Report.pdf.

³² Alicia Banks, Record 21 California condors treated at L.A. Zoo for lead poisoning, L.A. Times, Oct. 20, 2013, available at <http://articles.latimes.com/2013/oct/30/local/la-me-ln-condors-treated-la-zoo-20131030>.

³³ Peter Fimrite, SFGate, May 17, 2014, *Oakland Zoo's Facility for Poisoned Condors Gets 1st Patient*, available at <http://www.sfgate.com/science/article/Oakland-Zoo-s-facility-for-poisoned-condors-gets-5458229.php>.

³⁴ Los Angeles Zoo & Botanical Gardens, California Condors at the Los Angeles Zoo, <http://www.lazoo.org/conservation/californiacondor/article1/>.

Craig Stowers
February 13, 2015
Page 9

which is by no means an easy task—the birds are powerful and can have wingspans of more than nine feet.”³⁵

VWS staff also work extremely hard to grow the California condor population in the face of frequent setbacks due to lead poisoning. VWS runs the Big Sur condor release site, and its wildlife biologists shelter and care for condors coming to and from other populations or from medical treatment at the L.A. Zoo and other institutions. VWS staff play an active role in tracking the Central Coast population, outfitting birds with tracking devices, monitoring their progress, and actively relocating birds to encourage the growth of the population. VWS staff serve as “first responders” for condors made severely ill by lead poisoning, and VWS thus has firsthand knowledge of the burdens placed by lead ammunition on both condors and their human caretakers.

All of these recovery efforts are extremely costly. Tens of millions of dollars have been spent on condor recovery over the past 2-3 decades, and about \$5 million is currently spent each year, of which two-thirds come from private sources.³⁶ VWS expends approximately \$300,000 annually on condor programs, and the costs of medical treatment of poisoned birds at the L.A. Zoo and other locations is in the hundreds of thousands of dollars.³⁷ The more expeditiously A.B. 711's restrictions are implemented, the more quickly this financial burden will begin to abate.

VWS urges the Department to implement A.B. 711 on an expedited basis to avoid additional years of expenditures needed to save condors harmed by lead. Although the draft Environmental Document rightly notes that any decline in revenue to the Department of Fish and Wildlife that results from A.B. 711 implementation is likely to be insignificant, the Department should also consider the significant financial *benefits*, in the form of reduced expenditures to address lead, that A.B. 711's phase-in will cause.

Reducing the financial burdens associated with ameliorating lead in the environment also balances hunters' compliance costs (estimated by the Department at \$184 annually, per hunter). VWS agrees with the Department that increased compliance costs are worthy of recognition, and VWS is actively working to reduce these costs through its free ammunition program; at the same time, VWS urges the Department to consider not only the costs of compliance with A.B. 711, but also the substantial costs of dragging out its implementation.

³⁵ Id.

³⁶ Am. Ornithological Union, *supra* n. 31, at 7.

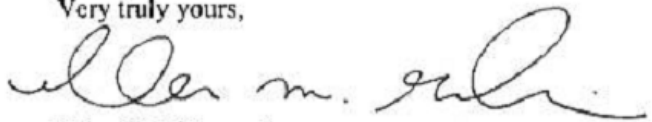
³⁷ Id. at 6-7.

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Craig Stowers
February 13, 2015
Page 10

Ventana Wildlife Society appreciates the opportunity to comment on the proposed regulations and draft Environmental Document for the implementation of A.B. 711. VWS looks forward to collaborating with the Department and with the hunting and ranching communities in implementing this important law.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ellen M. Richmond". The signature is fluid and cursive, with a large initial "E" and a long, sweeping underline.

Ellen M. Richmond

Counsel for Ventana Wildlife Society

From: French, Larry <LFrench@auerbachconsultants.com>
Sent: Wednesday, February 18, 2015 2:29 PM
To: FGC
Subject: Nonlead ammunition by 2017

To whom it may concern,

Please implement a ban on lead ammunition by 2017. Please do not stretch this out to the maximum date. It is not difficult to implement and all manner of wildlife will benefit.

Larry French, MIES, LC, FIALD
Principal

Auerbach Glasow French
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lfrench@auerbachconsultants.com | www.auerbachconsultants.com

From: Inga Dorosz <ingador@gmail.com>
Sent: Wednesday, February 18, 2015 2:49 PM
To: FGC
Subject: nonlead ammunition

Hello,

I am writing you to ask you implement and require nonlead ammunition by 2017. It should be done now, 2017 is far away, but it has to be done then and not by 2019. I live in an area that has condors. I've bought bullets in the store and they still push for lead bullets, even if you tell them about about the hazards. Non lead bullets are not that much more. Please put a halt to the industry pushing poisonous products. Lead poisoning in condors has been linked to the bullets. Please implement that by 2017.

Thank you,
Inga Dorosz

From: Diane B. Rooney <dianeroone@aol.com>
Sent: Wednesday, February 18, 2015 3:31 PM
To: FGC
Subject: Please implement AB 711 by 2017

Please implement the lead-free ammo bill by 2017, so more rare condors do not have to experience horrible deaths from lead ingestion. The small population is endangered by the loss of even one of these magnificent birds.

Thank you!

Diane

=====

Diane B. Rooney
6420 Schmidt Lane #C311
El Cerrito CA 94530
Cell: 415-309-0734

From: Jesse Ross <jesse.ross@gmail.com>
Sent: Thursday, February 19, 2015 9:18 AM
To: FGC
Subject: non-lead ammunition

Hello,

As a hunter and an ecologist, I write to encourage you to implement Assembly Bill 711, requiring the use of non-lead ammunition, as soon as possible.

Lead ammunition is a problem for many species, most notably the California Condor. We are lucky still to share our state with this majestic and critically endangered bird, but its existence is still very much threatened by the use of lead ammunition.

AB 711 is a step in the right direction, but the implementation deadline of 2019 is unnecessarily far in the future. The health of our state's ecosystems is the most important thing for sportsmen and other citizens alike.

Respectfully,
Jesse Ross
Culver City, CA

From: Dana Abbott <abbottpress@gmail.com>
Sent: Thursday, February 19, 2015 9:19 AM
To: FGC
Subject: RE: Implementation of AB 711

I am writing regarding the implementation date for AB 711. It is my understanding the California Fish & Game Commission has proposed full implementation of AB 711 but not until 2019.

The purpose of this law is to ban the use of lead projectiles in an effort to eliminate lead poisoning from occurring in our native wildlife. Some of California's most precious species are endangered and at risk of becoming extinct due to lead poisoning – namely the California Condor.

An earlier implementation of this law is not only necessary for the safety of our wildlife, but fiscally responsible. It costs millions each year to monitor and treat lead poisoned wildlife, only to send them back into the wild to return for yet another costly treatment. The burden to conservationists with lead ammunition use exceeds the burden borne by recreational users and the Department and therefore a more accelerated implementation is justified. Implementation of AB 711 is reasonable and will further abate this costly burden and allow our native species to thrive.

Manufacturers have successfully enhanced their production to meet the needs of California's progressive environmental laws. This time is no different. If demand is great, manufacturing will supply.

Phasing out lead ammunition quickly will minimize the harms to wildlife and alleviate the high costs of eliminating those harms and the market will respond accordingly. Please implement AB 711 by 2017.

Thanks,
Dana Abbott
AbbottPress@gmail.com

From: Rudin, Lee
Sent: Thursday, February 19, 2015 3:18 PM
To: FGC
Subject: Reasons AB 711 should be implemented by 2017

It's ridiculous that it isn't mandatory to cease lead ammunition now. Why allow condors and other wildlife to die to appease the NRA?

History has shown industry will supply if there's a demand

Minimizes harm to wildlife

Avoids further condor deaths due to lead poisoning

Abate high cost of treating condors for lead poisoning

Most calibers of non-lead ammunition are available

Thank you,

lee Rudin
Daly City, CA

*Unless someone like you cares a whole awful lot, Nothing is going to get better. It's not. Dr. Seuss **"The Lorax"***



Please consider the environment before printing this email. Thank you.



From: Jessica Davis-Stein <jdavisstein@aol.com>
Sent: Friday, February 20, 2015 6:37 PM
To: FGC
Subject: AB711

To Whom It may Concern,

Lead in ammunition hurts everyone eventually. We've gotten it out of gasoline and paint because of its toxicity. It's time to enforce getting it out of ammunition, where potentially it leaches into the dirt from animals shot and not found and can eventually despoil ground water. Why a hunter would use it and then eat the meat he or she has killed makes no sense. It's just plain wrong to introduce more lead into the environment!

Leaded ammunition kills Condors, the species Californians have worked long and hard to reintroduce into the wild. We want to protect our wild Condors! Now is the time to enforce AB711. It's the law, it's in the best interest of all Californians and 2019 is much too long to wait. If you won't do it to save the Condor and other species do it because it's better for our state.

Herb Stein and Jessica Davis-Stein

FRIENDS OF THE NORTHERN SAN JACINTO VALLEY

**P.O. Box 4266
Idyllwild CA 92549
www.northfriends.org**

February 20, 2015

California Department of Fish and Wildlife
Attn: Craig Stowers
Phasing of Nonlead Ammunition Requirement
Draft ED Comments
1812 9th Street Sacramento, CA 95811
Email: Wildlifemgmt@wildlife.ca.gov

Re: Draft Environmental Document (ED) Phasing of Nonlead Ammunition Requirement, Adding Section 250.1, Amending Sections 311, 353, 464, 465, 475, and 485, and Repealing Section 355 of Title 14 of the California Code of Regulations, January 7, 2015 State Clearinghouse No. 2014102083

Dear Mr. Stowers:

The Friends of the Northern San Jacinto Valley and Susan Nash, President, are submitting the following comments proving this project has environmental effects that will cause substantial adverse effects on human beings, both directly and indirectly. (See California Environmental Quality Act (CEQA), Initial Study, Appendix G, Section XVIII. MANDATORY FINDINGS OF SIGNIFICANCE (c))

Friends propose the significant impact to human health of consuming wildlife shot with lead ammunition from today until July 1, 2019, can be mitigated to a level of non-significance by the inclusion in these hunting regulations a warning to hunters stating "WARNING: CONSUMING MEAT TAKEN WITH LEAD AMMUNITION IS HARMFUL TO YOU AND YOUR FAMILY'S HEALTH"

The Administrative Procedures Act (Government Code section 11340 et. seq. and CEQA (Public Resources Code section 21080.5) require you to fully and completely respond to these comments in the Final ED.

I. PROJECT DESCRIPTION

These proposed regulations will allow ~~substantial amounts of~~ lead to be consumed by hunters in California until July 1, 2019, with no warning issued to hunters regarding the dangers to themselves and their families from consuming meat shot with lead ammunition.

Currently, lead ammunition can be used to take all wildlife in California, except for the following current and future prohibitions:

Since 1991, lead shotgun ammunition has been prohibited nationwide for the take of duck and geese. (ED: pg. Appendix B-14)

Condor Range.

Effective July 1, 2015, lead ammunition in all firearms shall be prohibited when:

- 1) Taking Nelson Bighorn sheep and
- 2) When taking all wildlife in any state wildlife area or ecological reserve.
(ED: Appendix A-2)

Effective July 1, 2016, lead ammunition in shotguns will be prohibited when:

- 1) Taking upland game birds, *except for dove, quail, snipe, and any birds taken under the authority of a licensed game bird club,*
- 2) Resident small game mammals
- 3) Fur-bearing mammals
- 4) Nongame mammals
- 5) Nongame birds
- 6) Any wildlife for depredation purposes.

(ED: Appendix A-2) [The use of lead ammunition in all other firearms to take these birds and mammals is permitted]

Effective July 1, 2019, lead ammunition in all firearms is prohibited when taking any wildlife for any purpose.

- 1) The Condor Range is repealed
- 2) Nonlead ammunition certification process established.

gasoline, children's toys, and many other items to protect human health and wildlife." (ED pg. 2:4)

- b. "The Department anticipates benefits to the health and welfare of California Residents from better protection of the State's natural resources and through the better management of toxic substances that may be deleterious to those who consume wild game. Lead shot can fragment into tiny pieces and spread out several inches from the entry point into tissue even if the main shot pieces exit the animal.⁴² Consequently, the amount of lead in processed game meat, particularly ground venison, has been shown in some instances, to exceed levels thought to be suitable for human consumption. A number of studies have reported elevated lead levels in humans that rely on lead-shot meat for subsistence.⁴³ More recently, there is evidence that lead levels in people who eat game harvested with lead ammunition can be elevated as well.⁴⁴ Children can be particularly sensitive to lead poisoning and even very low levels of lead can cause permanent cognitive damage."⁴⁵ (ED Appendix G-28)
- c. "Routes of human and wildlife exposure to lead include contaminated air, water, soil, and food. Lead ammunition in *felled* wildlife is often consumed by other animals." [emphasis added; human being are animals] (ED pg. 2:4)
- d. "Franson, J.C. S.P. Hansen, and J.H. Schulz. 2009. Ingested shot and tissue concentrations in Mourning Doves. In R.T. Watson, M. Fuller, M. Pokras and W.G. Hunt (Eds.) *Ingestion of Lead from Spent Ammunition: Implications for Wildlife and Humans*. THE PEREGRINE FUND, BOISE, IDAHO, USA, DOI: 10.4080/ILSA.2009.0202. (ED PG. 7:2)
- e. Pain, D.J., I.J. Fisher, and V.G. Thomas. 2009. A global update of lead poisoning in terrestrial birds from ammunition sources. In R.T. Watson, M. Fuller, M. Pokras, and W.G. Hunt (Eds.). *Ingestion of Lead from Spent Ammunition: Implications for Wildlife and Humans*. The Peregrine Fund, Boise, Idaho, USA. (ED pg. 7:3)
- f. Hunt, W.G., R.T. Watson, J.L. Oaks, C.N. Parish, K.K. Burnham, et al. Lead Bullet Fragments in Venison from Rifle-Killed deer: Potential for Human Dietary Exposure. 2009. (ED appendix pg. G-30)
- g. Johansen, P., G. Asmund, and F. Riget, High human exposure to lead through consumption of birds hunted with lead shot. *Environ Pollut* 127: 125-129, 2004) (ED Appendix pg. G-30)

⁴² Footnotes not found in ED

⁴³

⁴⁴

⁴⁵

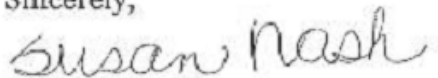
- h. Johansen, P., H.S. Pedersen, G. Asmund, and F. Riget, Lead shot from hunting as a source of lead in human blood. *Environ Pollut* 142:93-97, 2006. (ED Appendix pg. G-30)
- i. Pain, D.J., R.L. Cromie, J. Newth, M.J. Brown, E. Crutcher, et al., Potential Hazard to Human Health from Exposure to Fragments of Lead Bullets and Shot in the Tissues of Game Animals, 2010. (ED Appendix pg. G-31)
- j. Tsuji, L. J. S. C. Wainman, I.D. Martin, C. Sutherland, J-P. Weber, et al., Lead shot contribution to blood lead of First Nations People; the use of lead isotopes to identify the source of exposure. *Sci total Environ*, 2008. (ED Appendix pg. G-32)
- k. Tsuji, L.J.S.B.C. Wainman, R. K. Jayasinghe E.P. Van Spronsen, and E.N. Liberda, Human Health Concerns. *Bulletin of Environ Contam Toxicology* 82:435-439, 2009. (ED Appendix G-32)

III. FRIENDS MITIGATION PROPOSAL

Friends propose the significant impacts to human health of consuming wildlife shot with lead ammunition from today until July 1, 2019, can be mitigated to a level of non-significance by the inclusion in these hunting regulations of a warning to hunters stating: "WARNING: CONSUMING MEAT TAKEN WITH LEAD AMMUNITION IS HARMFUL TO YOU AND YOUR FAMILY'S HEALTH"

Please provide Friends with a copy of the Final Environmental Document for this Project and of any hearings or other actions regarding this project by email to snash22@earthlink.net or to the address above.

Sincerely,



Susan Nash
President

February 20, 2015

California Department of Fish and Wildlife
Attn: Craig Stowers
Phasing of Nonlead Ammunition Requirement
Draft ED Comments
1812 9th Street
Sacramento, CA 95811
Email: Wildlifemgmt@wildlife.ca.gov

Re: Draft Environmental Document (ED) - Phasing of Nonlead Ammunition Requirement - SCH No. 2014102083

Mr. Stowers:

I am objecting to the Draft Environmental Document (ED) as the Conservation Chair of the Friends of the Northern San Jacinto Valley and as an individual concerned about the deleterious impact on human beings who consume wild game shot with *lead ammunition*.

The Draft ED intentionally disregarded the Friend's November 14, 2014 extensive scoping comments on the proposed regulation regarding the significant impact of the Fish and Game Commission action on human beings who consume wild game shot with lead ammunition. The Friend's scoping comments with attachments (Draft ED - Appendix F-70 to F-80) are hereby incorporated by reference into this comment letter. The Fish and Game Commission is advised it's Certified Regulatory Program (CRP) requires that final action on the proposed regulations include the written response of the issuing authority to significant environmental points raised during the evaluation process (Pub. Resources Code: 21080.5). The Administrative Procedure Act (APA) also requires a written response to these comments prior to Fish and Game Commission approval of the regulations. (Gov. Code : 311340 et seq.)

Reiterating the November 14, 2014 scoping comments, the Wildlife Society 2009 Position Statement on lead ammunition reports: "When lead that is imbedded in game meat becomes exposed to acid in the human stomach, lead may be absorbed into the system. Even if a lead pellet completely passes through an animal, a small amount of lead may be left in the tissue and may be absorbed by a person consuming the meat." (Draft ED - Appendix F-75 to F-77)

The September 28, 2009 Scientific American article "Wild Meat Raises Lead Exposure" notes: "The Centers for Disease Control and Prevention tested 736

people, mostly adults, in six North Dakota cities and found that those who ate wild game had 50 percent more lead in their blood than those who did not eat it. The lead exposure was highest among people who consumed not only venison, but also birds and other game, according to the study published last month in the journal *Environmental Research*." "What was most troubling is that as wild game consumption increases, blood-lead levels increase" said study co-author Mary Jean Brown, chief of the CDC's lead prevention branch. "The strong recommendation we would make is that pregnant women should not consume this meat" "..... recent research has reported that children's mental abilities are reduced by lead at levels far below the CDC guideline. Brown and others say there is no threshold below which lead does not cause harm particularly with children." (Draft ED - Appendix F- 78 to F-80)

CEQA Guideline 15065 – MANDATORY FINDINGS OF SIGNIFICANCE mandates a Lead Agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence in light of the whole record that any of the following conditions may occur. 15065(a)(4) "The environmental effects of a project will cause substantial adverse effects on human beings either directly or indirectly." [15065 (C)(1); a Mandatory Finding of Significance determination shall apply to: "the identification of effects to be analyzed in depth in the environmental impact report or the functional equivalent thereof."]

The Fish and Game Commission Certified Regulatory Program (CRP) further requires that the proposed regulation implementing the Lead ammunition ban will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect that the proposed regulations may have on the environment. (Pub. Resources Code: 21080.5).

Because of the delay until 2019 in the implementation of these regulations [3004.5 (b) and (j) and the possibly permanent exceptions for specific hunting seasons and caliber of lead ammunition [3004.5 (j) the hazard to humans, particularly children and pregnant women, of consuming game shot with lead ammunition must be mitigated to a level of non-significance as required by CEQA. It would be unconscionable for the Fish and Game Commission not to mitigate this readily apparent human environmental impact to a level of non-significance.

It is our understanding that future hunting regulation booklets [Upland Game and Mammal Hunting] will include an advisory alerting hunters to the implementation of the ban on lead ammunition. That advisory should also include a warning statement: **Consumption of Game Meat Shot With Lead Ammunition May Be Harmful to the Health of Your Family.** This mitigation measure would seek to reduce the human impact of the consumption of game meat shot with lead ammunition to a level of Non-significance.

Please keep us informed of all actions and hearing regarding the CEQA document adopted for the proposed regulations. Thank you for the opportunity to participate in the Fish and Game Commission consideration of these important regulations.

A handwritten signature in cursive script, reading "Tom Paulek".

Tom Paulek, Conservation Chair
Friends of the Northern San Jacinto Valley
P.O. Box 4266
Idyllwild, California 92549

From: Andrew Williams <studiesnature@gmail.com>
Sent: Saturday, February 21, 2015 3:04 AM
To: FGC
Subject: AB711

Hello,

I have a comment regarding your implementation of AB711.

While I do not live in California, I've twice in the past four years visited California specifically to view wildlife, and saw condors on both of my visits. I will again be in California in late March, 2015, and anticipate visiting again in the future. I really appreciate your scenery, your biodiversity, and your evident social concern for conservation.

Rather than require that all ammunition used to hunt wildlife in California be free of lead by 2019, I learn that you might instead push that deadline forward to 2017. I strongly urge you to do this! It is not only condors that benefit but various other wildlife and also the humans who eat the game shot with lead bullets. Lead is toxic and we should be trying to restrict its use in the environment generally.

Thank you,
Andrew Williams
Madison, WI

From: thompson14ster@gmail.com
Sent: Sunday, February 22, 2015 4:03 PM
To: FGC
Subject: Saving the California Condor

Dear Commission,

I understand you are responsible for the implementation and regulation of AB 711, which bans the use of lead ammunition for all shooting of wildlife. Since you are currently accepting comments from the public on a proposal to implement AB 711 over the next 4 years, I want to say: **This is way too long to wait!** Lead poisoning is the greatest threat to the condor. Implementation by 2017 is feasible and necessary to offset the financial burden of recovery program partners trying to save condors in the wild. I hope you will do what is ethical and right for our endangered wildlife--- the endangered condors and many other species.

Lawrence Thompson
1069 Felicia Court
Livermore, CA 94550
925 455 9473

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TUCSON, AZ

February 23, 2015

Mr Craig Stowers
California Department of Fish and Wildlife
1812 Ninth Street
Sacramento, CA 95811
VIA EMAIL & U.S. MAIL
Wildlifemgmt@wildlife.ca.gov

**Re: Phasing of NonLead Requirement (AB 711)
Comments on Draft Environmental Document**

Dear Mr. Stowers:

We write on behalf of our clients the National Rifle Association (NRA), the California Rifle & Pistol Association (CRPA), and the hundreds of thousands of individual members of those associations in California, as well as hundreds of individual firearm manufacturers, dealers, and owners. By this letter we are officially commenting on the recently released California Department of Fish and Wildlife (CDFW) Draft Environmental Document (DED), prepared pursuant to the California Environmental Quality Act (CEQA) on behalf of the California Department of Fish and Game Commission (Commission).

Our clients and their membership who hunt in California and who are affected by these regulatory provisions, have significant concerns regarding the CDFW's Proposed Program to implement regulations under AB 711 involving the phasing of alternative ammunition for all hunting in California. Specifically, the CDFW's analyses and assessment of the Biological Resources Section, including BIO-2, and the Recreational Section, including REC-1, are woefully deficient, and lack factual and evidentiary support. The potential environmental effects identified in the BIO-2 and REC-1, Sections will have a significant impact on the environment.

180 EAST OCEAN BOULEVARD • SUITE 200 • LONG BEACH • CALIFORNIA • 90802
TEL: 562-218-4444 • FAX: 562-218-4445 • WWW.MICHELLAWYERS.COM

I. Introduction

In October of 2013, Governor Brown signed AB 711 into law. For multiple reasons, NRA and CRPA did not and do not support AB 711, and believe that it should be repealed. Nonetheless, as it exists AB 711 requires the CDFW and Commission to implement the statutory mandate by no later than July 1, 2019, requiring the use of nonlead projectiles and ammunition for the taking of wildlife statewide, consistent with Fish & Game Code section 3004.5. The CDFW and Commission's Proposed Program involves the implementation of regulations, including the addition of section 250.1, the repeal of section 355, and the amendment to sections 311, 353, 464, 475 and 485 of Title 14 of the California Code of Regulations.

The potential environmental impacts identified and analyzed in the DED are the result of CDFW's initial evaluation taken from its Initial Study (IS) of October 28, 2014. The IS is an environmental checklist identifying numerous areas of concern and potential environmental impacts. This requires the CDFW to perform a cursory review and analysis to determine whether further evaluation is required in a DED, CDFW's functional equivalent to an Environmental Impact Report under CEQA. In the IS, CDFW identified: 1) Biological Resources; 2) Hazards & Hazardous Materials; and 3) Recreation as areas requiring further evaluation because of the possibility for some potential impact on the environment.

The California Legislature has acknowledged: "the party subject to regulation is often in the best position, and has the greatest incentive, to inform the agency about possible unintended consequences of a proposed regulation." (*Tidewater Marine Western, Inc. v. Bradshaw* (1996) 14 Cal. 4th 557, 568-69, citing *Armistead v. State Personnel Bd.* (1978) 22 Cal. 3d 198, 204-05 and *Ligon v. State Personnel Bd.* (1981) 123 Cal. App. 3d 583, 588.). The NRA and CRPA, on behalf of their numerous members, have just such an incentive to inform the CDFW and Commission of the consequences that will result under the current plan for implementing AB 711, concerning potential environmental effects identified in the DED. Accordingly, the NRA and CRPA respectfully submit their comments to the DED.

A. NonLead Projectiles for Many Cartridges are Unavailable or Are Cost Prohibitive

The primary flaw in CDFW's analyses and assessment in the DED BIO-2 and REC-1 Sections is the failure to consider the unavailability and prohibitive cost of alternative ammunition, consisting of metals other than lead. Indeed, the CDFW should propose mitigation measures that delay implementation of the regulations for as long as necessary, to allow nonlead projectiles used in ceratin cartridges that are popular with hunters to become available.

The National Shooting Sports Foundation (NSSF) is the trade association for firearms, ammunition, hunting and recreational shooting sports industry in the United States. Throughout the AB 711 implementation process, NSSF has consistently provided the CDFW and the Commission with factual information from the firearms and ammunition industry, demonstrating the unavailability and prohibitive cost of nonlead projectiles used in ceratin cartridges that are popular hunting ammunition.

NSSF commissioned a comprehensive study by Southwick and Associates that analyzed the lack of supply for alternative ammunition used for hunting in California. (NSSF, 2014) CDFW and the Commission, however, give no deference to industry analysis and disregard the findings in the Southwick and Associates study. Incredibly, certain Commissioners have even gone on the record at the February 12, 2015 Commission meeting stating that it is an elaborate conspiracy by the ammunition industry to limit the alternative ammunition supply in California in order to subvert AB 711.

Nonetheless, NSSF has provided the following information showing that projectiles for certain cartridges made with alternative metals are either commercially unavailable or cost prohibitive, and demonstrating how AB 711 will cause many problems for California hunters and the state:

- The Nonlead Projectile and Ammunition Certification Process will severely limit alternative ammunition already in the market that is not currently certified by the CDFW.
- Currently, only 0.5% of rimfire ammunition is produced using alternative metals with manufacturers reporting an inability to increase production.
- Unavailability and higher costs associated with alternative ammunition will cause 36% of hunters in California to either stop hunting or reduce participation.
- Unavailability and higher costs associated with alternative ammunition will result in a 13% reduction of hunters in California.
- The reduction in the number of hunters will be approximately 51,676.
- The economic impact from the loss of hunters, due to either the unavailability or high cost of alternative ammunition will result in the loss of 1,868 jobs, \$68.7 million in salaries and wages, \$13.9 million in state and local tax revenues and \$5.8 million of federal tax revenues.

Despite an abundance of information provided by the firearms and ammunition industry regarding the unavailability and burdensome costs associated with alternative ammunition, CDFW downplays the industry's information finding that the loss of hunters will be roughly 5%, while also concluding the environmental effect is less than significant in the BIO-2 and REC-1 Sections. But the environmental impact of prohibiting the use of such ammunition clearly will be significant, and should be carefully considered.

B. Many Nonlead Ammunition Types May Be Prohibited as Armor Piercing

In addition to concerns regarding the unavailability and high cost of alternative ammunition expressed by the firearms and ammunition industry, on February 13, 2015, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) released its proposed framework (BATFE, 2015) for determining whether a particular projectile may be exempted from the definition of "armor piercing." Preliminary

commentary regarding the potential impact of the proposed ATF framework on the availability of certain alternative ammunition indicates that it may have an impact on the implementation of AB 711 regulations.

The DED does not address ATF's most recently proposed changes to the federal regulations regarding the designation of armor piercing ammunition. CDFW should properly evaluate ATF's proposed changes and the potential impact these changes may have on the availability and cost of alternative ammunition for hunting in California. Considering Commissioner Richard Rogers' serious concerns expressed at the February 12, 2015, Commission meeting about ATF's future decisions on armor piercing ammunition, the CDFW must evaluate how ATF's regulation of armor piercing ammunition will affect the implementation of AB 711.

II. Section Bio-2: Impacts to Ecosystems When Reduced Hunting Activity Inevitably Contributes to Overpopulation

Hunters, ranchers, farmers and landowners, and not CDFW or federal agencies (e.g., Dept. of Agriculture) are primarily responsible for population control methods used on small game, non-game, and pests. State and federal agencies' depredation efforts concerning these types of wildlife populations are limited.

The NRA, CRPA, NSSF, other stakeholder groups, and individuals have consistently warned the CDFW and the Commission about the unavailability of rimfire ammunition in .22 caliber and below. As the CDFW and Commission are fully aware, these calibers are predominantly used for the taking small game, non-game, and pests. NSSF has produced evidence showing that only 0.5% of rimfire ammunition is produced in nonlead metals (Fed. Reg., Vol. 75, No. 231, Dec. 2, 2010 citing Mississippi Flyway Council).

With this ammunition unavailable (USFWS, 2010), the populations of small game, non-game, and pests will naturally increase because, as pointed out by NSSF and Southwick and Associates, the unavailability and increased cost of alternative ammunition will significantly lower the number of hunters in California, and conversely the amount of wildlife taken/depredated by hunters and others. Yet the CDFW fails to properly analyze and assess the potential impact on the environment from the inevitable overpopulation of certain wildlife that will be caused by the reduction in hunting and depredation.

As small game, non-game, and pests are generally burrowing animals (e.g., rabbits, rodents, and squirrels), the potential impact to the ecosystem is potentially significant. For example, in the Sacramento Delta area, there is a significant threat to the various levees that exist to channel and retain delta waters from valuable farmland and ranches. Any inability to depredate and control the burrowing wildlife that threatens the numerous levees may result in a significant threat to the delta area. (Santa Clara Water District, 2015; JPL, 2014; Blach, 2006) Considering that the unavailability of rimfire ammunition will seriously affect depredation of this type of wildlife, the increased population of these animals will have a significant impact to the ecosystem.

The DED lacks any analysis or evidence supporting CDFW's conclusion that there is a less than significant impact on the ecosystem as a result of the increase in small game, non-game, and pest populations, due to a decrease in hunting and depredation activity. There is no support for the CDFW's finding of a "less than significant" impact in this section. Therefore, it is unreasonable for the CDFW to give no weight to an abundance of evidence from the firearm and ammunition industry showing that the unavailability of rimfire ammunition will have a significant impact on the ecosystem.

Our clients request that the CDFW and Commission mitigate this significant impact by delaying implementation of AB 711 until the availability and cost of alternative ammunition is sufficiently addressed.

III. Section Rec-1: Impacts to Hunting Activities Due to the Increased Cost or Unavailability of Nonlead Ammunition Will Result in Physical Changes to the Environment Including Changes in Land Uses or Reduced Maintenance of Habitat Areas

The CDFW's analyses and assessment of the potential impact on the environment from a direct or indirect physical change to the environment is inadequate. Again, NSSF and Southwick and Associates have provided considerable evidence showing that the unavailability and high cost of alternative ammunition will have a significant impact on the number of hunters, and conversely the environment.

As mentioned above, hunters, ranchers, farmers and landowners, and not CDFW or federal agencies (e.g. Dept. of Agriculture) are primarily responsible for population control on small game, non-game, and pests. In other words, state and federal agencies depredation of wildlife in these areas is limited and, thus, the alternative ammunition requirement will severely limit the depredation and take of these animals, which will have a negative impact on the environment.

The Southwick and Associates study indicates a 13% reduction in the number of hunters in California as a direct result of implementation of the AB 711 regulation. This will result in a total economic fiscal impact of \$76,390,790. CDFW, however, claims that the reduction in hunters will be 5%, and will result in a total economic and fiscal impact of \$29,381,073.00. CDFW argues that past experience from the lead ammunition ban in the Condor Range (AB 821) and the federal waterfowl lead ban suggests that CDFW's analysis is more accurate. CDFW's assumptions fail to acknowledge that the type of hunting in the Condor Range and for waterfowl, is distinguishable from the various types of hunting statewide that are impacted by AB 711.

The California Department of Finance stated in its December 31, 2014 letter to the Commission that the availability of nonlead ammunition is a key assumption that may necessitate a re-examination of the phasing to alternative ammunition. The NRA, CRPA, and NSSF have consistently warned the CDFW and the Commission about the unavailability of rimfire ammunition in .22 caliber and below. As the CDFW and Commission are aware, these cartridges are predominantly used for the take and depredation of small game, non-game, and pests.

Due to the fact that only 0.5% of rimfire ammunition is produced in alternative ammunition, wildlife including small game, non-game, and pests will naturally increase in population because of the

decrease in depredation and takes. Yet the DED lacks any credible analysis or evidence supporting CDFW's conclusion that there is a "less than significant" impact on the environment as a result of the increase in small game, non-game, and pest populations due to a decrease in hunting and depredation activity.

CDFW's conclusion that a 5% reduction in hunters will result from the implementation of the AB 711 regulations significantly downplays the threat from an increase in small game, non-game, and pest populations. CDFW's evaluation of the potential environmental impact fails to seriously consider the almost complete unavailability of rimfire ammunition in nonlead metals.

As part of CDFW's failure to consider this impact, CDFW neglects to take into consideration human health risks due to the increase in the population of animals susceptible to various kinds of disease outbreak (e.g., sylvatic plague, pneumonic plague and rabies) (Antolin, et al., 2002; CDC, 2012; NPS, internal unpublished report). Further, CDFW does not consider potential threats to wildlife because of a decrease in shooting depredation and the corresponding increase in poisoning of non-game and pests to control populations (USDA, 2014). For example, recent studies indicating a significant threat to raptors from the consumption of poisoned (e.g., anticoagulant rodenticides) wildlife is well documented. Additionally, agricultural impacts need to be evaluated due to the increase in this type of wildlife population (USDA, 2009; Whisson et al., 1999).

Again, as small game, non-game, and pests are generally burrowing animals (e.g., rabbits, rodents, and squirrels) the potential impact on the environment is significant (U.C. Davis, 2015). For example, in the Sacramento Delta area, there is a significant threat to the various levies that exist to channel and retain waters from valuable farmland and ranches. Any hindrance for controlling the burrowing wildlife in the delta area may result in a significant threat to the numerous levies. Considering that the unavailability of rimfire ammunition in alternative metals will have a serious affect on depredation of these animals, this will naturally result in a significant impact to the environment.

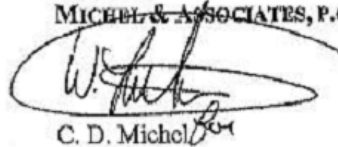
CDFW's finding of a "less than significant" impact in the section at issue is not supported by the evidence. It is unreasonable for CDFW to give no weight to an abundance of evidence from the firearm and ammunition industry that clearly shows that there will be a significant impact. Consequently, the NRA and CRPA request the CDFW and the Commission mitigate this significant impact by delaying implementation of AB 711 until the unavailability and cost of alternative ammunition is sufficiently addressed.

Mr. Craig Stowers
February 23, 2015
Page 7 of 9

IV. CONCLUSION

The NRA and CRPA urge the CDFW and the Commission to revise the Proposed Program's DED to address the deficiencies outlined in this comment letter, and to re-analyze the significant impacts to the environment identified herein. Our clients request that the CDFW and the Commission propose mitigation measures that delay implementation of the regulations for as long as certain calibers of alternative ammunition remain unavailable.

Sincerely,
MICHELL & ASSOCIATES, P.C.



C. D. Michel

CDM/wls

cc: Sonke Mastrup
Executive Director
California Fish and Game Commission
1416 9th St. 12th Floor
Sacramento, CA 95814

Charlton Bonham
Director
Department of Fish and Wildlife
1416 9th St. 12th Floor
Sacramento, CA 95814

President Jack Baylis
Vice President Jim Kellogg
Commissioner Michael Sutton
Commissioner Richard B. Rogers
Commissioner Jacque Hostler-Carmesin
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

References

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Mr. Craig Stowers
February 23, 2015
Page 9 of 9

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From: [Anthony Fuehrer](#)
To: [Stowers, Craig@Wildlife](#)
Subject: AB711

Date: Tuesday, February 24, 2015 9:12:15 PM I oppose AB711. Anthony Fuehrer 1930 Jennie Lane La Habra, CA 90631

From: [D & K Hawley](#)

To: [Stowers, Craig@Wildlife](#)

Subject: Please do NOT ban any other ammunition.

Date: Tuesday, February 24, 2015 7:48:14 PM Dear Mr. Stowers, PLEASE help stop the assault on our hunting heritage and second amendment rights. Please do not block ANY additional ammunitions from being used for hunting purposes. I have been a huge supporter of the Department of Fish and Wildlife, pay hundreds of dollars annually, and ask that you do EVERYTHING within your power to preserve our hunting heritage, rights, and means to hunt by allowing all alternative ammunitions. Thank you, David Hawley

From: Tom Burns

To: Stowers, Craig@Wildlife

Subject: Comments Regarding the "sporting purposes" Exemption for M855 Ammunition

Date: Tuesday, February 24, 2015 7:30:16 PM

Craig,

I'm writing to express my opposition to the proposed ban of M855 ammunition. This ammunition has a lead core (not steel) and clearly is not "armor piercing" by design or in function. It simply has a steel tip. As I fully enjoy the time my wife and I spend outdoors visiting our nation's national parks in California, Arizona, and Utah, I also enjoy exercising my 2nd Amendment rights as guaranteed by the Constitution with my AR-15 style rifle at the shooting range. Removing this source of 5.56 ammunition will make it harder for me (a 66 year old voting retiree) to find and afford ammunition for my time at the range. I respectfully request and ask for your support in ensuring that the M855 cartridge "sporting exemption" **not** be revoked.

Kind regards,

Tom Burns

From: [Amy Dillon](#)

To: [Stowers, Craig@Wildlife](#)

Subject: Lead ammo ban

Date: Tuesday, February 24, 2015 7:08:52 PM

Mr. Stowers, as a lifelong California sportsman, I request that you oppose the lead ammo ban and the de facto ammo ban that will then result if BATFE considers copper ammo as "armor piercing". The science on lead ammo and it's supposed impacts are not conclusive and there is a tremendous amount of "junk science" being quoted in order to meet agendas of those that oppose hunting and shooting of any kind. Our outdoor activities and your agency are being threatened by people and groups that have never participated in them. Thank you, Pat Dillon Tahoe Vista

From: cary gatchet

To: Stowers, Craig@Wildlife

Cc: Wildlife Management

Subject: AB711 Opposition

Date: Tuesday, February 24, 2015 5:42:22 PM

Dear Mr. Stowers / CDFW

I stand with The California Rifle and Pistol Association, and the National Rifle Association, in the opposition of AB711, and the phasing of alternative ammunition for hunting in California!

I would like to urge you to rethink CDFW's analyses and assessment of the Biological Resources Section, including BIO 2, and the Recreational Section, including REC-1. All of which lacked factual and evidentiary support.

Federal and state health department studies have concluded that lead ammunition is not a human health risk, and a recently released peer reviewed study out of Sweden indicates that there is no human health risk to people who consume wild game harvested with lead ammunition.

Despite 99% hunter compliance, the AB 821 lead ammunition ban has failed to reduce lead poisoning in condors.

AB 711 fails to address the alternative sources of lead in the environment that are poisoning condors and other wildlife.

Respectfully,

Cary Gatchet

95 Angelica Way

Morgan Hill, CA 95037

650-534-8053 Cell

crgatchet@yahoo.com

From: Jlgibby
To: Stowers, Craig@Wildlife
Subject: Ab711

Date: Tuesday, February 24, 2015 7:22:54 PM

I am strongly against Ab 711 it is a from of gun control and a terrible bill for
James Gibbons
9150 Curbaril ave
Atascadero California

From: sglee@att.net

To: Stowers, Craig@Wildlife

Subject: restriction on firearms

Date: Tuesday, February 24, 2015 8:49:52 PM Dear Mr.. Stowers: As a police officer and 5th generation Californian I am urging you to not implement any new laws or rules or regulations in regards to firearms and hunting in our state. All of the proposed regulations that you are considering have not been researched carefully and any rule or regulation is also against the 2nd amendment of the Constitution of the United States. There is absolutely no evidence that any restriction on the type of ammunition used will have any adverse effect on the wildlife of California. Please let our citizens have the full control over a right that is protected by our state and federal government. Sincerely Stephen Lee Stephen Lee 11901 Santa Monica Boulevard Suite 553 Los Angeles, California 90025 sglee@att.net direct: 818-416-9605 facsimile:818-831-9726

From: [michael merkley](#)

To: [Stowers, Craig@Wildlife](#)

Date: Tuesday, February 24, 2015 8:52:43 PM I oppose the implementation of AB 711

From: [Mike Yancheff](#)

To: [Stowers, Craig@Wildlife](#)

Subject: AB 711--oppose

Date: Tuesday, February 24, 2015 5:18:23 PM

I am opposed to AB 711 involving the phasing of alternative ammunition for all hunting in California. CDFW's analysis lacks facts and evidence in support of their conclusions.

I believe this is an effort to regulate hunting into extinction in California and elsewhere, by making ammunition scarce and prohibitively expensive. The supposed environmental affects are merely a convenient strategy to do so. CDFW should be ashamed of this disservice to the hunting public it is intended to serve but, of course, it is not.

Mike Yancheff

Eureka, CA

From: yvrr@mail543.pair.com

To: Stowers, Craig@Wildlife

Subject: Oppose the California DOJ new Firearm Safety Certificate (FSC) Program

Date: Tuesday, February 24, 2015 4:53:25 PM

As a concerned California citizen, I oppose the improper "emergency" regulations proposed by the DOJ regarding California's new Firearm Safety Certificate (FSC) Program laws. The DOJ's proposed "emergency" regulations should be opposed for the following reasons:

- The regulations improperly circumvent the rulemaking process to implement the FSC Program, failing to provide the public proper opportunity to weigh in.
- They far exceed the DOJ's rulemaking authority.
- The cumulative effect of each of the proposed regulations will significantly increase the already inflated costs of purchasing a firearm in California.
- The regulations improperly shield the DOJ from any wrongdoing in implementing the FSC Program.

Sincerely,

Clayton J. Guest

Mountain View, CA

From: Mark Cave

To: Stowers, Craig@Wildlife

Subject: lead ban

Date: Tuesday, February 24, 2015 4:28:30 PM

Dear Mr. Stowers,

I have hunted in the Condor zone (D7, D8) for several years. I have complied with nonlead regulations, however the overly enthusiastic enforcement efforts have caused me to stop big rifle game hunting and ultimately all hunting in California. My last license was '09/10. I was stopped twice in sixty minutes to have my paperwork and ammo checked and I realized that the need to enforce the law outweighed my need to hunt.

I have recently started shooting black powder with my club at the range. I shoot reproductions of traditional black powder rifles with open sights along with my adult son. I have once again become interested in hunting opportunities for muzzle loaders in California. The special draws offers extremely limited special draws to hunt deer with muzzle loaders in California. It is already very hard to find black powder supplies at stores anywhere in California due to changes in the law up to the 2014/2015 season.

These new regulations will drive muzzle loaders from hunting in California. There are few alternatives to lead bullets and balls available for sale and none at all within the state to my knowledge after extensive searches on line and in person from Sacramento to Los Angeles. I know the state will not miss the \$200 I spend on licenses, tags, stamps, and drawings. It will not miss the tax revenue from the purchase of hunting gear, gas to and from the field, meals while afield, nor motels, campsites, my rv, nor my hunting vehicle. I have never complained about the success of my hunting trips (no deer are ever injured on them), I just wanted the chance to go. I go for the fun of it. Encounters with law enforcement are not fun and if you are in violation of the law they are less so. It seems to me that if I cannot comply with the law in California, I shall have to travel to a less enlightened neighboring state to do my hunting. It is only time and money lost from this state in time off work (I do not get vacation pay) and I shall spend my hunting dollars elsewhere. I find it easier to buy my black powder supplies on line since other states seem to be friendlier towards muzzle loaders.

In that the Department is now for wildlife instead of game, perhaps this is the goal. I heard on the news that hunting licenses are at a lower level than in the mid sixties. It is not hard to understand why. I understand the need for change, but draconian changes to the law make hunting frustrating and impossible. You are going to end muzzle loader hunting in California with the proposed lead ban. I just re-took hunter safety just so I can apply out of state.

Mark Cave

From: Mike Ca

To: Stowers, Craig@Wildlife

Subject: Oppose the Ban on M855 ball ammo

Date: Tuesday, February 24, 2015 2:34:49 PM As a concerned California citizen, I oppose the Ban on M855 ball ammo. M855 ammunition should not even be categorized as "armor piercing" in the first place, given that lead is the primary material beneath its copper jacket. BATFE's framework does not clarify the "sporting purposes" exemption; it simply interprets it into irrelevance. The framework overturns nearly 30 years of settled law and the good faith expectations of gun owners and industry members. The framework is totally at odds with the intent of the law to ensure that restrictions on armor piercing handgun ammunition do not unduly restrict common rifle ammunition, most of which is capable of penetrating police body armor when used in a rifle as intended. BATFE incorrectly insists that it is required to establish an "objective" standard based on handgun design, yet it fails even to do that with the very broad "discretion" it retains to deny the exemption to projectiles that meet its "objective" test. The framework will suppress the development of nonlead rifle projectiles that offer increased performance for hunters, decreased lead exposure, and solutions for hunters in states that restrict the use of lead in hunting. The framework will likewise deter handgun development, as new designs could trigger bans. Coupled with increasing attempts to ban lead projectiles, the framework could drastically reduce the availability of lawful ammunition for sporting and other legitimate purposes. M855 ammunition in AR pistols is not a common threat faced by law enforcement officers. Sincerely, Mike Jackson 1491 Bella Terra Dr. Manteca, CA 95337

From: [Drew Pruhs](#)

To: [Stowers, Craig@Wildlife](#)

Subject: Oppose AB711

Date: Tuesday, February 24, 2015 1:43:05 PM I am writing to request that you oppose AB711, as the analyses of any environmental impact is deficient. Thank you, Drew Pruhs Los Angeles

From: Steve Jones

To: APACComments@atf.gov

Cc: Wildlife Management; Stowers, Craig@Wildlife

Subject: No ban on SS109/M855 ammunition!

Date: Tuesday, February 24, 2015 1:33:57 PM To whom it may concern: The ATF's recent memo, "ATF FRAMEWORK FOR DETERMINING WHETHER CERTAIN PROJECTILES ARE "PRIMARYLY INTENDED FOR SPORTING PURPOSES" WITHIN THE MEANING OF 18 U.S.C. 921(a)(17)(C)" proposes banning ammunition commonly identified as type SS109/M855 5.56x45 cartridges, almost if not exclusively used in AR15-pattern firearms. The basis for this memo seems to be a combination of the Gun Control Act of 1968 and the Law Enforcement Officer Protection Act of 1986 (LEOPA). This memo and LEOPA are focused on handgun ammunition described as armor piercing. The fact that a handgun exists somewhere in the world that could use a given type of ammunition does not, however, justify the type of ban being discussed. Where are the statistics indicating that criminals are increasingly using AR15-pattern handguns? This is absolutely necessary if the ATF's contention is that law enforcement officers are increasingly at risk from the use of this ammunition in handguns, per the LEOPA, by common criminals. Indeed, in how many states are such handguns even legal to possess? The memo itself points out that rifle ammunition like SS109/M855, that falls under the materials constraints of the LEOPA, is important for sportsmen seeking to obey recent and new restrictions on the use of lead-based ammunition. This is certainly a large concern here in California, and a ban on SS109/M855 will make this compliance much more difficult. The reasoning on pages 12-14 that only a single-shot handgun can be considered as intended for "sporting purposes" is simply comical, a fine example of twisting logic in order to suit a pre-ordained conclusion. The proposal to ban SS109/M855 ammunition is absurd, seeking to solve a problem that doesn't exist while aggravating a very serious environmental and wildlife management issue. I hope that the ATF is serious in holding this 30 day comment period, and will see that this proposed framework is not going to have any impact on the safety of law enforcement officers, while greatly impacting law-abiding sportsmen. By contrast, if the ATF can show statistics to back up the notion that AR15-pattern handguns are seeing significant use by common criminals, and actually posing the purported threat to law enforcement, I would consider supporting such a framework. I look forward to the publication of such material before this proposed framework would be allowed to proceed. Sincerely,
--Steve. Steven M Jones 2419 McGee Avenue

From: G-Man
To: Stowers, Craig@Wildlife
Subject: Oppose AB711
Date: Tuesday, February 24, 2015 1:22:06 PM

Hi Craig,

I hope you and your team are all doing well.

Looking over this AB711 and the recent BATFE's move to ban ball ammunition is making me very nervous. I am also not a fan of all Cu bullets; I have shot many pigs in SLO and SB Counties and have had major issues with the lack of a clean kill using Cu vs Pb bullets. I also believe the CDFW's analysis and assessment of the Biological Resources Section and the Recreational Section have not demonstrated a clear nexus that lead from bullets is creating a significant environmental impact.

Is there any way we can delay AB711 implementation until we can clearly and scientifically prove that lead used in hunting is indeed causing a significant environmental impact. I know there is a legal impact but sometimes things need to be challenged and let's face it some of lawmakers are emotional 1D10Ts who did not do well in math and science classes.

As always, thank you for all the hard work you and your team put into keeping our conservation programs going. If there is anything I can do to help out, please let me know.

Cheers,

Gabino

Hunter Education Instructor

From: [Reed Koyano](#)
To: [Stowers, Craig@Wildlife](#)
Subject: I oppose AB711

Date: Tuesday, February 24, 2015 1:13:49 PM Forcing all law abiding legal hunters in California to use "so called" "non lead" ammunition is wrong. Banning all lead ammunition in California is not a health issue for keeping wildlife safe and lead free as "real" studies have shown but it is a political one based on the ignorance of the public and the lobbying of special interest groups whose agenda is to ban hunting all together. The politicians that try to ban guns which also affects law abiding hunters and shooters are the real problems this state has and anyone that goes along with them are going to be exposed in the future. Look at Leland Yee, anti gun fanatic and yet gun runner, his cronies Barbara Boxer, Diane Feinstein and, Kamala Harris have all quieted down and disassociated themselves from Leland Yee but the truth is your about to become one of them by being associated by your actions to further these politicians interest. Is this what you really want? to be labeled as the "Bad Guy" What is going to happen to your funding and the donations and contributions of honest legal shooters and hunters when you treat them unfairly? The biggest and greates contributors to wildlife today are hunters and fishermen. Period. Your choice is to be associated with the "Bad Guys" or with the good law abiding and legal hunters of the State of California. Does the Department of Fish and Wildlife and Craig Stowers want to be labeled by all the hunters and fishermen in California as being "bad" people or "good" people. Do either one of you want to be the reason why money from this group and its contributions have dwindled or dried up? Think about it, fair is fair, or only good people think about doing the right thing? Thank you, Reed Koyano 379 Lewis Rd. San Jose, CA 95111 408-806-4239
reedkoyano@gmail.com

From: Jack & Margo Lytal
To: Stowers, Craig@Wildlife
Subject: OPPOSE AB711
Date: Tuesday, February 24, 2015 12:48:51 PM
I strongly oppose AB711, a
Jackson Lytal
10160 Moran Drive
Auburn, CA 95603non cure for a non problem.

From: Joel Mosher
To: Stowers, Craig@Wildlife
Subject: lead ammunition
Date: Tuesday, February 24, 2015 12:43:19 PM
do not ban lead ammunition

From: Bill Winegar
To: Stowers, Craig@Wildlife
Subject: Non lead hunting ammunition
Date: Tuesday, February 24, 2015 12:34:17 PM

Mr. Stowers

I have attended your presentation on non lead ammunition in Susanville CA.

The presentation was well put together and thought provoking. Having tried to implement non lead in my hunting has failed so far. I own a ranch in Lassen county and one of the problems I have is ground squirrels. After two months of trying to obtain non lead ammunition for my 22 magnum I am going to return to the lead ammunition.

Without the suppliers providing ammunition easily available to hunters in CA it is impossible to hunt legally. The failure in my view is a lack of buy in by manufacturers. Without the Governor and Senate putting their shoulder to this problem little hope exists for us hunters.

The second concern is the BATF determination that copper bullets are armor piercing. Although many attempts by the hunting public and ammunition manufacturers the BATF has turned a deaf ear to our problem and have refused to offer waivers for hunting ammunition.

The recent decision by BATF to declare M55 ammunition as armor piercing is troubling. This round is being discontinued by the Military because it is too stable and does not damage soft tissue and does not meet the requirements of armor piercing. The assurance seems to be the round is not as lethal as required for war. Yet I look for a single instance where an officer has been shot with the round and find nothing. It is my belief we CA hunters are going to be left with not a single piece of ammunition if copper is retained as armor piercing and no manufacturers are pushed into CA production requirement.

Having made my living in supply chain management it is clear to me the time available is insufficient as of this date to insure compliance.

Your thoughts and suggestions would be greatly appreciated.

--

Bill and Ramona Winegar

Dos Borregos Ranch
717-930 Desert pine Trail
Milford California 96121

From: Ben Crum
To: Stowers, Craig@Wildlife
Subject: Oppose AB 711
Date: Tuesday, February 24, 2015 12:26:16 PM

I oppose AB 711 because banning or changing the use of M855 type of ammo will not reduce crime or change any enviromental issues. It will only have a negative impact on lawful citizens that enjoy hunting. Changing the effectivness of any ammo could reduce the humane effect of hunting any game in California. Thank you, Ben Crum, Norco, Ca.

From: [Ambar Capoor](#)
To: [Wildlife Management](#); [Stowers, Craig@Wildlife](#)
Subject: Oppose Ban on M855 Green Tip
Date: Tuesday, February 24, 2015 12:09:39 PM

Commonly available steel-core, "green tip" M855 and SS109 rifle ammunition that is primarily intended and regularly used for sporting purposes, like target shooting, has been exempt from federal law banning armor piercing ammunition for decades. There is no question that the 5.56 ball ammo has been in wide use by law abiding American citizens for sporting purposes.

Tests have shown that it would take upwards of 75 rounds for this ammo to actually pierce any modern armor and it is absolutely a travesty of your powers and a trampling of our rights for you to ban this ammo.

Please re-consider and put a halt to this ban.

Ambar B Capoor
718 Amador Street
LA 90012

3232300367

From: GAIL KREIDER
To: Stowers, Crain@Wildlife
Subject: Non-lead ammunition
Date: Tuesday, February 24, 2015 12:19:54 PM

On the topic of forced ban of lead ammunition for hunting:

While all the information about a lack of supply of non-lead ammunition for the ban to go into effect, nothing covers black powder hunting and what shooters of these arms are supposed to utilize in place of lead for projectiles. During the past 20 years, hunting with black powder weapons has been on the rise across the country and special seasons have been set aside in California. The adoption of this new law will wipe out this unique hunting experience as there is no acceptable replacement for lead in black powder firearms. Along with this, being able to hunt with antique firearms built in the 18th century, that were designed for black powder is also at risk, as these also rely on lead ammunition. Use of any other type of projectile would scour the rifling from the barrels of these firearms. This a disaster for traditional hunters, and will cost California millions when implemented in July.

Sincerely
Robert C. Kiggins
Ukiah, CA

From: [Greg Pasiuk](#)

To: [Stowers, Craig@Wildlife](#)

Subject: Lead Ammunition Ban

Date: Wednesday, February 25, 2015 4:30:25 PM **Mr. Stowers: RE: opposition to AB711 and the phasing on alternative ammunition for hunting in California:**

Those of us who hunt in California have significant concerns regarding the CDFW Proposed Program to implement regulations under AB 711 involving the phasing of alternative ammunition for all hunting in California. Specifically, the CDFW's analyses and assessment of the Biological Resources Section, including BLO 2, and the Recreational Section, including REC-1, are woefully deficient, and lack factual and evidentiary support. This regulatory action must be stopped.

Sincerely,

Mr. and Mrs. Gregory Pasiuk

Placerville, CA

From: [wssi](#)
To: [Stowers, Craig@Wildlife](mailto:Stowers_Craig@Wildlife)
Subject: AB711 Lead Ammo Ban
Date: Wednesday, February 25, 2015 4:12:29 PM

AB711 Lead Ammo Ban

Lead ammunition has been around a very long time and is used mainly as Sporting and Target Practice loads. To ban lead ammunition is no more than a Back Door attempt by the Obama administration to enforce defacto Gun Control. California's AB711 lead ammo ban is nothing more than an end around to accomplish the Anti-Gun agenda. The 2nd Amendment to the Constitution states, "The Right To Keep And Bear Arm's Shall Not Be Infringed." Regulating ammunition in this manner is a Blatant Infringement on my 2nd Amendment Rights as a Law Abiding Citizen of the United States of America!

What part of "Shall Not Be Infringed" is so hard to understand?

Andy White
577 Longhorn Dr
Loyalton CA 96118-0235

Member: National Rifle Association
California Rifle and Pistol Association

From: flott@juno.com
To: Stowers, Craig@Wildlife
Subject: AB711 (2013) - LEAD AMMUNITION BAN
Date: Wednesday, February 25, 2015 11:49:12 AM

PLEASE STOP IMPLEMENTATION OF AB711. IF THE BATFE BANS COPPER AMMUNITION AND AB711 BANS LEAD AMMUNITION, THEN LEGAL HUNTERS HAVE NO ALTERNATIVE AMMUNITION TO FOR THEIR SPORT. LEAD AMMUNITION FOR HUNTING HAS INSIGNIFICANT EFFECT ON THE ENVIRONMENT BECAUSE JUST A FEW SHOTS, OR NONE AT ALL, ARE MADE DURING A TYPICAL HUNT - UNLIKE DURING TARGET PRACTICE.

THANK YOU



NATIONAL SHOOTING SPORTS FOUNDATION, INC.

400 N. Capitol Street NW, Suite 490 • Washington, D.C. 20001 • Tel (202) 220-1340 x205 • Fax (202) 220-1349
Headquarters: 11 Mile Hill Road • Newtown, CT 06470-2359 • Tel (203) 426-1320 • Fax (203) 426-1087
E-mail tsantos@nssf.org • nssf.org

TREVOR SANTOS
MANAGER, GOVERNMENT
RELATION-STATE AFFAIRS

March 25, 2015

Jack Baylis
President
California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 94244

Re: Agenda Item 27 for the April 8-9, 2015 Fish and Game Commission Meeting, Adoption of proposed regulations regarding authorized methods of take for wildlife using lead ammunition – phasing out the use of lead ammunition

Dear President Baylis and Members of the Commission:

The National Shooting Sports Foundation ("NSSF") is the trade association for America's firearms, ammunition, hunting, and recreational shooting sports industry. Its mission is to promote, protect and preserve hunting and the shooting sports. NSSF has a membership of nearly 13,000 manufacturers, distributors, firearms retailers, shooting ranges, and sportsmen's organizations. Our manufacturer members make the firearms used by law-abiding California sportsmen, the U.S. military and law enforcement agencies throughout the state.

While California moves forward down a dangerous path with its ban on traditional (lead) ammunition for hunting, other countries are doing the exact opposite. In 2005, the Norwegian government banned the use of traditional ammunition for all hunting, and, like California, it lacked science-based evidence. On February 3, 2015, the Norwegian parliament repealed the country's lead shot ban for hunting outside of wetland areas. There were a number of reasons for lifting the ban: not enough evidence to justify the lead ban outside of wetland areas, wounding rates are much higher for animals shot with nonlead ammunition as nonlead alternatives are not as effective as traditional ammunition, and the negative impacts of nonlead on the environment and humans is a greatly unknown factor.

Once again, we welcome this opportunity to explain further why NSSF opposes the Commission's pending proposal to implement AB 711. We continue to believe that implementation of the lead ammunition ban will create severe shortages of ammunition available for California hunters. The timing to implement is difficult given the timeline and will put a large burden on the hunting population.

NSSF has had discussions with both Commission staff and the Department of Fish and Wildlife concerning the lack of supply and limited demand for alternative ammunition products, as well

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OUR MISSION: TO PROMOTE, PROTECT AND PRESERVE HUNTING AND THE SHOOTING SPORTS.

as the impact banning the use of traditional ammunition will have on the price of the limited supply of alternative ammunition and other economic impacts to wildlife conservation funding in California. In 2014, NSSF commissioned Southwick Associates to conduct a study which included an analysis on the lack of supply of alternative ammunition for the hunting market in California, the impact that increased demand in California for alternative hunting ammunition will have on the market, and the economic impact of phasing out nonlead ammunition.

The analysis presented by Southwick Associates, "[Effects of California Ammunition Ban](#)," concludes that due to technical and market-based constraints on manufacturers, the phasing out of lead ammunition will at least triple the price of ammunition, driving more than one-third of the state's hunters to hunt less or stop hunting completely. With the loss of more than 50,000 hunters in the state, California's economy will see a loss of millions of dollars in salaries and in tax revenue.

Based on a survey of California hunters, higher ammunition prices will drive 36 percent of California hunters to stop hunting or reduce their participation. Thirteen percent of California hunters report they would stop hunting as a result of the higher prices (51,676 fewer hunters). An additional 10 percent were unsure if they would continue to hunt and another 23 percent said they would likely hunt less than in recent years. For the rest of this analysis, we only assume a loss of 13 percent of hunters to maintain conservative estimates, and this number produces some very large negative economic impacts for the state.

Losses will include:

- a. 1,868 jobs
- b. \$68.7 million in salaries and wages,
- c. \$13.9 million in state and local tax revenue and
- d. \$5.8 million of federal tax revenues

The language in section (f) Nonlead Projectile and Ammunition Certification Process seems to create a roster of acceptable alternative ammunition. So, in essence, the state of California is not willing to accept manufacturers' word that ammunition produced is lead-free (or contains no more than 1% of lead by weight) which will take effect July 1, 2015. So in a sense, non-lead products currently on the shelf will automatically be deemed 'lead-based' (even if they have no lead in them) and illegal to have in possession while hunting until the product is submitted and certified by the state as compliant. There are concerns as to whether the agency has the expertise to certify all lead free alternatives and what exactly will the process consist of.

There is a major concern when dealing with the regulations and the need for alternative ammunition for the taking of non-game small mammals. The general raptor population is not threatened so the regulations could delay implementation of this section to give the industry more time to try to find a solution. We know that based upon Southwick Associates study the most critical impacts from the proposed ammunition prohibitions will be associated with rimfire. Manufacturers report an inability to increase rimfire production. Currently, only 0.5% of rimfire is produced using alternative metals and most of these are designated for indoor and specialty uses, not the mass hunting market. These manufacturers are very small in size, unable to ramp up to the levels required of California. Considering rimfire's primary application for small game

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hunting and its widespread use by young hunters, the loss of rimfire rounds to California hunters will have serious impacts on short and long-term participation.

Hunters and sportsmen represent the largest financial supporters of wildlife conservation. Since 1991, firearms and ammunition manufacturers have contributed over \$3 billion dollars to wildlife conservation through excise tax payments. Our industry understands and appreciates the importance of conserving resources and protecting our environment. However, our industry remains concerned that there is no conclusive scientific evidence establishing a causal relationship between the use of traditional ammunition for hunting big game and elevated blood lead levels found in some condors, yet we continue to see the Commission and Department going down the road to quickly implement AB 711 to the detriment of hunters and the environment. Unfortunately, adopting regulations that ignore science and are based on emotion will result in a decrease in conservation funding California receives to manage *all* of the state's wildlife resources.

Last year, a study performed at Iowa State University shows that the bald eagle population is doing just fine – even in Iowa, a state where lead ammunition is used in abundance. The study examined the bald eagle population at-large, not just the blood lead levels of deceased birds. In order to get results from live birds, the researcher tested the fecal level of 400 free-flying eagles throughout the state of Iowa. As was to be expected, the overall blood-lead levels were very low, about the same as the background environmental lead levels and similar to the blood lead levels found in eagles in lead-free sites. Additionally, none of the researchers observed any behavior from the eagles that would have them believe the eagles were suffering from lead poisoning. One can get a better sense of the overall population by testing free-flying birds, not just sick birds admitted to a rehabilitation center. Overall, this study proves that traditional (lead) ammunition is not negatively affecting the general population of eagles and serves as a cautionary tale against accepting studies that extrapolate findings from examining only sick birds onto entire bird populations.

Information has surfaced dealing with a report received by the California Department of Fish and Wildlife as early as April 2013, the same time the lead ammunition ban was being debated in the legislature. Email correspondence shows that the report was intentionally withheld from the public by Condor Coordinator John McCamman until after the bill was signed into law. Had the report been released by its statutory due date in June of 2013, the bill may not have passed given that the reason for its passage was significantly undermined by the evidence in the report, namely that condor poisonings had been overstated by animal rights activists.

At the time of the Governor's signing of the bill, 2012 data on the condor zone lead ban had not been released. Soon after the lead ban was expanded statewide, the report on condor poisonings was released and it showed no reduction in condor mortality and even a slight increase in certain areas of the condor zone.

Another topic of discussion worth noting deals with the human consumption of game meat taken with traditional ammunition. A 2008 study by the Centers for Disease Control ("CDC") was recently confirmed by a recent Swedish study entitled "Lead in Game Meat," with both studies coming to the conclusion that consuming game harvested with traditional ammunition

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containing lead does not pose a human health risk. The tests from each study showed that those consuming game taken with traditional ammunition was well below the risk level.

For the above reasons, we urge the California Fish and Game Commission to abandon a fast-tracked implementation of AB 711 and instead allow the industry time to continue to develop alternatives and adequately increase the supply to sportsmen. Beginning implementation this year will lead to severe shortages of ammunition and precipitous drops in hunters when they are unable to purchase compliant ammunition.

Sincerely,



Trevor W. Santos
Manager of Government Relations – State Affairs
National Shooting Sports Foundation

cc: Mr. Sonke Mastrup, Executive Director, Fish and Game Commission
Mr. Charlton Bonham, Director, California Department of Fish and Wildlife
California Fish and Game Commission
Governor Edmund G. Brown, Jr.
Ms. Kathryn Lynch, Legislative Advocate
National Shooting Sports Foundation

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Lead Ban on ammunition:

This project is the absolutely ridiculous. I know you politicians don't make it a habit of making well educated decisions. But this project is a huge waste of Kalifornia's time and money. We have been shooting lead ammo long before any of you were born. Children and adults have been holding their lead pellets in their mouths while hunting squirrels, for many many years. With no complications.

I don't know if you have looked into the added expense of buying no-lead ammo. Especially when it comes to big hunting, I know from personal experience. I shoot hundreds of rounds in the pre-season. Preparing for deer and elk season. Of course I have to shoot the same ammo I hunt with. The only copper bullets on the market that even remotely compare to my current bullets. Cost almost double. There is more to this then anyone who spends their days sitting at a desk, will ever understand. I and many others have spent countless hours testing and figuring out which bullets shoot the best out of their guns. Which bullets perform best for quick ethical harvest of big game. Have thousands of dollars invested in bullets and powder specifically made for each other. By passing this law you will not only make impossible for some people to afford to hunt. Which if you had done the math, you would have know how much that is going to cost the state. I'm not sure if you are aware of the amount of money sportsman contribute every year. Either through sales tax on goods, or tags and licenses.

Also by making people shoot lead-free ammo. There will be significantly more wounded animals. There is a reason lead was chosen, for use in shotgun pellets, and rifle bullets. It's because it works very well. Much better then steel shot in shotguns, ask any duck hunter. Lead also works much better then solid copper rifle bullets.

Anyways I'm sure this complaint won't even get read. But I felt like I needed to atleast try to speak up, for those of us that will be drastically affected. Elk, deer, bear, and birds are a large part of our diet and way of life. Just wanted to let you know that more of you politicians are effecting our lives in ways you will never know or understand. Please stop and think once in a while. Is the theory that lead is killing condors. Really enough evidence to pass a law like this. It sounds pretty absurd to me.

Jeremy Wright
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